rights, that affects so much of how they are going to provide for the needs of their families and their communities.

When the people are intimidated by a government that recognizes no boundaries around its authority, everyone suffers. This is an issue that is neither Republican nor Democratic, it is neither liberal nor conservative. It is simply American.

It is time for the American people to stop simply expecting Congress to continue to expand its power at the expense of their individual liberty. It is time for the American people to stop simply expecting their rights have to bow to the interests of an all-powerful incumbency in Washington, DC. It is time for the American people to expect more. It is time for the American people to expect freedom.

We expect freedom, and we will defend freedom when we defeat Senate Joint Resolution 19.

The PRESIDING OFFICER. The Senator from Virginia.

ISIL

Mr. KAINE. Mr. President, 1 month ago the President initiated an air campaign against ISIL in Iraq. ISIL is a dangerous terrorist organization committing atrocities against thousands of people, including American hostages, and a strong American response, to include military action, is certainly warranted.

In the first month of this air campaign, two explanations for the mission were given by the President. We began with a mission for humanitarian purpose and also the need to protect American embassy personnel. Since that time, the White House has stated that the air strikes may go on for some open-ended period of time. Despite a pledge not to place American boots on the ground, more American military personnel have been deployed to Iraq as advisers and are on the ground there now.

In order to clarify what is at stake and set out a path forward, many of my colleagues and I have called for the President to bring before Congress and the Nation a clear plan for defeating ISIL. I am gratified that the President will address the Nation on this topic tomorrow night.

I am supportive generally of the limited and prudent steps taken thus far, while Congress was in recess, to slow ISIL's momentum. I expect to hear a comprehensive strategy tomorrow.

I support the strong U.S. diplomatic push that has forced Iraqi government formation, and I am pleased with Iraqi political developments to form a unity government. Now Iraqi leaders must govern inclusively.

I am especially heartened by reports that the administration has worked to find a number of nations willing to partner with America to deal with the ISIL threat, including nations in the region. The United States cannot be a police force for a region unwilling to police itself. The United States should not bear the sole burden of defeating a terrorist organization that poses a more imminent threat to many other nations than the threat it does to America.

I look forward to the President's address, and I am confident that a well-thought-out plan against ISIL will compel the support of the Nation and of Congress.

We are a nation of laws but also of values. I rise today particularly to urge the President to not just inform us of what he plans to do but to follow the Constitution and to seek congressional approval to defeat ISIL. I do so for two reasons.

First, I don't believe the President has the authority to go on the offense and wage an open-ended war on ISIL without congressional approval; and, second, in making the momentous decision to authorize military action, we owe it to our troops who risk their lives to do our collective jobs and reach a consensus supporting the military mission they are ordered to complete.

Let me first deal with the legal issue. The Constitution is clear. It is the job of Congress, not the President, to declare war. Some parts of the Constitution frankly are vague and open to interpretation: What is due process? What is cruel and unusual punishment? Some parts of the Constitution are clear and specific: You have to be 35 years old to be President of the United States. The power to declare war is a clear and specific power. It is an enumerated power of Congress in article I.

The clear wording of the Constitution is additionally illuminated by writings of the principal drafter, the Virginian James Madison. In a letter to Thomas Jefferson after the Constitution was ratified, Madison explained the war powers clause in article I:

> Our Constitution supposes what the history of all governments demonstrates—that the Executive is the branch of power most interested in war and most prone to it. It has accordingly with studied care vested the question of war in the Legislature.

So a President must seek congressional approval for significant military action. As Commander in Chief, a President can always take steps to defend America from imminent threats. The Framers understood this. But even in those instances, they intended that the President return to Congress to seek ratification of such actions.

If we take the Constitution seriously, as we pledge to do when we take our oaths of office, we must follow the command that the President must come to Congress to initiate major military action.

During a congressional recess, President Obama began a new military action against ISIL. He has indicated that the military action may continue for an extended period of time. He has stated that the action is evolving from a narrow effort to protect Americans from imminent threat to a campaign to go on offense in order to degrade the ability of ISIL to cause harm. This is precisely the kind of situation that calls for congressional action and approval.

Some have asserted that the administration need not seek congressional approval for an extended campaign of air strikes. Humbly and respectfully, I deeply disagree with that assertion. The President's article II power allows him to defend America from imminent threat, but it does not allow him the ability to wage an offensive war without Congress. The 2001 Authorization for Use of Military Force, crafted by President Bush and Congress in the days after the 9/11 attacks, limits the President's power to actions against the perpetrators of those attacks. ISIL was not a 9/11 perpetrator. It didn't form until 2003.

President Bush sought a broader AUMF at that time to allow action against terrorist groups posing a threat to the United States. Had Congress granted such a power, the war against ISIL would have been covered by that AUMF. But Congress explicitly rejected giving the President power to wage preemptive war against unnamed terrorist organizations without additional congressional approval. Any attempt to justify action against ISIL by reference to the 2001 AUMF would fly directly in the face of the clear congressional action rejecting the preemptive war doctrine.

Congress passed a second AUMF in 2002 to allow military action to topple the Iraqi regime of Saddam Hussein. That task was completed long ago. American troops left Iraq in 2011, and the administration has testified recently before the Senate that the Iraq AUMF is now obsolete and should be repealed. It provides no support for military action against ISIL. There is no treaty of collective defense ratified by Congress that would justify the President commencing military action against ISIL. The Iraqi Government has asked for our help, which solves international law sovereignty questions, but that request does not create its own domestic legal justification.

Finally, the 1973 War Powers Resolution creates a set of timing rules for Presidential action and congressional response in matters of war. The resolution has been widely viewed as unconstitutional for a variety of reasons. But even accepting its validity—and the President, like most, almost certainly does not accept its 60-day limitation on his article II powers—it does not change the basic constitutional framework vesting the declaration of war in the legislative branch.

I believe a reluctance to engage Congress on this mission against ISIL is less due to any legal analysis supporting broad executive power than to a general attitude, held by all Presidents, that coming to Congress on a

question such as this is too cumbersome and unpredictable. That attitude is shared on the Hill by some who view questions of military action, especially in a difficult circumstance such as this, as politically explosive and best avoided, if at all possible

I urge the President and my colleagues to resist the understandable temptation to cut corners on this process. There is no more important business done in the Halls of Congress than weighing whether to take military action and send servicemembers into harm's way. If we have learned nothing else in the last 13 years, we should have certainly learned that. Coming to Congress is challenging, but the Framers designed it to be so, and we all pledged to serve in a government known for particular checks and balances between the branches of government.

Remember in the days after 9/11, whose anniversary we commemorate this week, the President brought to Congress a request for military action. The ruins of the Pentagon and the World Trade Center were still smoking and the search for the lost was still ongoing. Certainly the American public would have supported the President's strong and immediate Executive action in that circumstance, but President Bush knew that the Nation would be stronger if he came to Congress to seek authority. Similarly President Bush came to Congress prior to initiating military action in Iraq. So many painful lessons were learned in the aftermath of that authorization, but it is important to remember that it was not a unilateral Executive decision but Congress was included and voted to support the mission.

I believe it would be a grievous mistake after 13 years of war to evolve toward a new strategy of taking prolonged military action without bothering to seek congressional approval, and I particularly worry about the precedent it would create for future Presidents to assert that they have the unilateral right to engage in long-term military action without the full participation of the people's legislative branch. As President Obama said last year when announcing that he would come to Congress to seek military authorization to combat the use of chemical weapons in Syria:

> This is not about who occupies the office at any given time, it is about who we are as a country. I believe the people's representatives must be invested in what America does abroad . . .

Mr. President, I focus my remarks on the legal reasons for the President to engage Congress on any plan to defeat ISIL.

Let me conclude by offering an additional reason—even a more important reason—about why the President and Congress should work together to craft a suitable mission for this important effort. When we engage in military action, even only an air campaign, we ask our troops to risk their lives and their health—physical and mental. Of course we pray for their complete safety and success, but let's be realistic enough to acknowledge that some may die or be injured or be captured or see these things happen to their comrades in arms. Even those who come home physically safe may see or do things in war that will affect them for the rest of their lives. The long lines of people waiting for VA appointments today or hoping to have their VA disability benefit claims adjudicated are proof of this.

In short, during a time of war we ask our troops to give their best, even to the point of sacrificing their own lives. When compared against that, how much of a sacrifice is it for a President to engage in a possibly contentious debate with Congress about whether military action is a good idea? How much of a sacrifice is it for a Member of Congress to debate and vote about whether military action is a good idea? While Congressional Members face the political costs of debate on military action, our servicemembers bear the human cost of those decisions. If we choose to avoid debate, avoid accountability, avoid a hard decision, how can we demand that our military willingly sacrifice their very lives?

So I await the President's address on the real and significant threat posed by ISIL with a firm willingness to offer support to a well-crafted military mission. I believe the American public and this Congress will support such a mission. It is my deepest hope that we have the opportunity to debate and vote on the mission in the halls of Congress as our Framers intended and as our troops deserve.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I had the opportunity to be on the floor today to hear the remarks of the Senator from Virginia. All of us look forward to the President's remarks tomorrow night. I am going to reserve my comments because of the seriousness of the subject and out of respect for the Office of the President until after the President addresses the Nation. But I would say this. Having heard the Senator from Virginia, I hope the President and his advisers listened carefully to what the Senator from Virginia said. None of us want to see another military adventure in the Middle East. As in Virginia and West Virginia and Tennessee, we have had thousands—tens of thousands of Tennesseans who have been in Iraq and Afghanistan three, four, five, or six times on tours of duty. But this ISIS threat is a different kind of threat to civilization, and very well could be a threat to the United States. It requires a response. It requires the President's leadership. He is the Commander in Chief, and it is his job to lay out for us a firm and clear strategy for, in the words of his administration, how we will defeat and destroy this new movement.

In thinking about whether to come to the Congress, I think it is useful for the President to think back to the first President Bush and the decision he had to make. I was in his cabinet. I came just about that time and the idea of a ground war in the Middle East was a shocking thought. We had not had something like that in this country for a while, and the President was reluctant at first to come to the Congress to seek approval for that, but he did it. And he said after he had done it that in retrospect he was glad he did. What did he gain?

Even though it was a contentious debate and the margin of the vote wasn't large, it gave a clear signal to the world that we were united as a country against the threat at that time. It gave a clear signal to the country that regardless of party we were united with the President of the United States on what he saw as an urgent mission for our country. As a result of that, he had an enormously successful operation. It was well planned, funded by other countries, primarily, and had a limited objective. They got to the gates of Baghdad, the objective was realized, and we came home. I think the fact that the President sought the advice of Congress was a part of that.

In this case I think this President would find in this body careful listeners to what he has to say, a willingness on both sides of the aisle to consider his strategy, and a willingness to support a carefully crafted plan to meet his objectives. This is not Libya, this is not Grenada, and this is not Panama. This is at least 2 or 3 years. Any time our country is expected to have a military action especially in the Middle East again, it needs to have the full support of the American people, and that starts here.

So I will wait until Wednesday night to hear what the President has to say, but the Senator from Virginia has given some very careful and reasonable advice, and I hope the President and his advisers will consider that very carefully.

I am here today to speak on another subject. I am here today because Senate Democrats want to amend the Bill of Rights—at least 48 of them do. Forty-eight of them want to say: Let's amend the United States Constitution and the free exercise clause of the First Amendment. Let's amend the guarantee of free speech. That is an extraordinary development.

If passed, Senate Joint Resolution 19, which is the subject on the floor today, would give Congress and State governments the power to decide which Americans can speak in elections, what they can say, when they can say it, and how they say it. This measure would gut the free speech provisions of the First Amendment. It is a shocking proposal—a shocking proposal made even more so by the fact that it is supported by 48 Democratic Senators and President Obama. I wonder if any of them have taken the time to see the writing

on the wall of the Newseum down the street. In big bold letters carved into the concrete it says: ''Congress shall make no law . . . abridging the freedom of speech . . . '' That is in the First Amendment to the United States Constitution.

Our Founders passed the Constitution, and they said, well, we forgot to do the Bill of Rights. So they came back with the Bill of Rights, and this is in the First Amendment. Free speech is one of the defining characteristics of liberal democracies worldwide. No country has embraced free speech and protected it as much as has the United States of America. Other countries look to us as a model for this remarkable freedom. So why would anyone attempt to amend the Constitution, amend the Bill of Rights, and change the free speech clause in the First Amendment?

When we look at the Democratic leadership in the Senate we see a pattern of using a gag rule to silence Senators who were sent here on behalf of the people who elected them to represent their views. The majority leader has prevented Tennesseans, for example, from having their say through their Senators, their elected officials, for years now, by using the gag rule in this body to keep amendments from being considered and voted on. Senators have listened to their constituents and proposed amendments on ObamaCare, taxes, the National Labor Relations Board, Egypt, Iran, Iraq, etc., and they are told by the Democratic leadership that they won't get votes. I have said on this floor many times, it is like being invited to join the Grand Ole Opry and not being allowed to sing.

But the consequences are much more serious than that. It is not just my amendment or my colleague Senator CORKER's amendment, and it is not just Tennesseans' amendments. It is the voters of every State who sent us here to have a say on their behalf. Senator BARRASSO from Wyoming has counted that since July of 2013, last year, only 14 Republican amendments and 9 Democratic amendments have received votes. That is an astounding number. There are 100 Senators here representing more than 300 million Americans. This is said to be the world's greatest deliberative body. The new book ''The American Senate'' describes this body, saying: ''This is the one authentic touch of genius in the American political system.'' What makes it ''the one authentic touch of genius in the American political system'' then? It is that you take a difficult message or a difficult bill, you put it on the floor, and you talk about it and you talk about it, and you debate it, and you amend it, until finally you say that is enough and 60 of us say it is time to cut off debate. Let's vote and have a result.

Yet in a year's time there have only been 23 amendments to legislation that have received votes. Some Members of this body who are running for re-election and have never had a vote on any amendment they offered on the Senate floor. Someone might well ask, well, what have you been doing?

Then this summer the Democrats extended the gag rule from the Senate floor to the Senate committee rooms. The bills of some members of the Appropriations Committee, on which I serve, were indefinitely postponed because the Senate leadership wanted to avoid difficult votes on those amendments—no vote on clean water, no vote on energy, no vote because it was a difficult vote.

Now in this provision Democrats and the President are trying to extend the gag rule to the free speech clause of the First Amendment. What this proposal would do is give Congress the power to silence the groups or organizations that threaten their reelection. For example, the government could tell a gun owner in Johnson City, TN, that he or she cannot spend money to advocate in defense of Second Amendment rights if that speech falls too close to an election and threatens to influence the campaign of incumbents. Or similarly, Congress might tell Tennessee Right to Life: You cannot advertise to protect the rights of the unborn. Congress could decide that such speech should be restricted or prohibited because incumbents fear it is really an endorsement of a candidate for political office.

Also incumbents could seek to stop new political movements like the tea party by placing unachievable conditions on their ability to raise and spend funds on behalf of candidates they support. They can do this under the guise of protecting donors by saying you can't receive donations unless you've been successful in a previous election or you have a real chance of being successful in the future. The decision of whether a new political movement is politically viable would of course be made by their political competitors. Or Congress might criminalize expenditures by organizations like the U.S. Chamber of Commerce, who might oppose a plan by Senate Democrats to increase the minimum wage on the grounds that the funds spent by the U.S. Chamber of Commerce are the equivalent of attack ads against Democratic candidates in tight reelection races.

Who might be exempt from this gag rule on free speech? Well, freedom of the press—that is mentioned in the amendment. And who would freedom of the press be? Who might this be? Well, it would be billionaires who could buy television stations, billionaires who could buy a newspaper and buy any form of this new media that we see around us. So ordinary Americans could have their ability to advocate their views restricted, but billionaires could buy TV stations or buy a newspaper or buy any form of media and say whatever they think. Those are the people exempt from the gag rule proposed by the Democrats.

What about millionaire candidates? It has been considered by the Supreme Court and by all who looked at it that while Congress might put rules on raising from others that it could never place on spending your own money. So we have candidates running for President, running for the Senate, who spend their own money. So we might not be limiting the millionaire candidates to the Senate and their right to free speech. We might not be limiting the billionaire owners of television stations and newspapers and their right to free speech, but ordinary Americans would have a gag rule. So the gag rule that began on the Senate floor and went to the Senate hearing rooms would now be applied by Congress to the ordinary Americans across this country. The Founders would never have imagined that. They passed the First Amendment to protect against this very concern—that government censors would tell ordinary Americans what they can and cannot say.

President Harry Truman, who liked to exercise a lot of free speech himself, warned about this in a message to Congress on August 8, 1950. He said:

> Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures until it becomes a source of terror to all of its citizens and creates a country where everyone lives in fear.

That is President Harry Truman.

That is not a description of this country. That is not a description of America. That is a description of our enemies.

Look through our history. How would this law apply in our history? What about Harriet Beecher Stowe before the Civil War, writing ''Uncle Tom's Cabin?'' Maybe she would want to buy an ad in the local newspaper saying: Mr. Lincoln is a nice man. Read my book. The State might not like that. They might like holding slaves. They might not like what she says and what she wants to advertise.

What about Thomas Payne at the beginning of our country's history writing ''Common Sense''? Would a law such as this apply to his tract—the 1 he published or if he published 10 or if he published 20?

Taken to its logical conclusion, this proposal could be used by a Congress or a State to ban books, to ban writings. It is shocking that we are standing here today and debating such a proposal. It is not surprising that so few from the other side of the aisle are streaming through the door and standing on the floor—as the Senator from Utah mentioned—to defend this proposal.

Every American ought to be concerned about this proposal to amend the Bill of Rights and the free speech clause in the First Amendment. They should be deeply concerned that the Senate majority leader and his gag rule have effectively silenced their elected representatives here in the Senate, and now he wants to silence them.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today, as I have for many years, to urge my colleagues to fix our Nation's broken campaign finance system. I do so after much deliberation and consideration of a series of Supreme Court decisions and the explosion of undisclosed and potentially unlimited campaign spending that has Americans of all political backgrounds concerned. Indeed, I remember when this was an issue that brought Republicans and Democrats together, and I was proud to support Senator MCCAIN's efforts at campaign finance reform.

Unfortunately, the recent Supreme Court decisions, such as Citizens United and McCutcheon, have given more than the mere appearance that money—and corporate money at that—has a louder voice than everyday Americans. Indeed, Justice Breyer wrote in his McCutcheon dissent that ''taken together with Citizens United . . . [McCutcheon] eviscerates our Nation's campaign finance laws, leaving a remnant incapable of dealing with the grave problems of democratic legitimacy that those laws were intended to resolve.'' In my view, these misguided decisions by a slim majority of the Court have allowed spending on political campaigns to get out of control.

There is a pervasive and corrosive view of politics felt by too many in this country that their ability to express their concerns and wishes to their elected officials is being crowded out by narrow interests and campaign funds. Rhode Islanders don't want their voices drowned out by unlimited money with little or no transparency or no disclosure on where that money comes from.

In order to have a broad-based democratic system, we need reasonable campaign finance laws which ensure that those with large financial resources cannot drown out the voice of everyday Americans. That is what this constitutional amendment we are seeking to debate is all about.

The system is broken, and as much as individual candidates can pledge to provide more disclosure or take other steps to increase transparency, that is not the solution to fixing the problem. We need to give Congress and the States the ability to set reasonable rules for all candidates.

The constitutional amendment we are considering today does three straightforward things:

First, in order to advance democratic self-governance and political equality, it gives Congress and the States the power to regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections.

Second, it grants Congress and States the power to enforce the amendment and to distinguish between people and corporations or other artificial entities.

Third, it ensures that nothing in the amendment could be used to abridge the freedom of the press.

This amendment doesn't create any new and specific campaign finance rules; rather, it gives Congress and the States the power to pass legislation and to distinguish between real people and legally created artificial entities, such as corporations. Whatever legislation that would be enacted pursuant to this constitutional amendment would be the result of a serious and lengthy debate in Congress and in the States. I welcome that debate, and I believe most Americans want that debate as well. It would begin a process that is so necessary to rebuild a sense of trust in our government and our electoral system.

I urge my colleagues to support this constitutional amendment to fix our broken campaign finance system by giving Congress and the States the power to reasonably regulate political spending, thereby reducing the influence of wealthy special interests. It is these same wealthy special interests that obfuscate the facts of a debate and block efforts that could give our country and our economy a shot in the arm.

Indeed, I hope we can also find bipartisan support to give more Americans the ability to have a fair shot at success. For example, we need to make college more affordable and ease the burden of student debt on millions of Americans, invest in our infrastructure, raise the minimum wage, expand job training, close the pay gap for women, boost jobs through manufacturing—and that is just for starters.

We need to pass these kinds of bills and send them to the House and urge them to act. The Senate was able to come together and pass a bill to provide relief to the long-term unemployed earlier this year, but with 9.6 million Americans still out of a job and looking for work—3 million of whom have been doing so for more than 6 months—House Republicans have refused to follow suit. It is imperative that we keep working to strengthen our economy, create jobs, and provide a fair shot for everyone.

I believe fixing the campaign finance system through this constitutional amendment will provide a foundation so we can have reasonable debate that is responsive to the interests of the American people and not responsive to the interests of a narrow class of Americans.

I urge my colleagues to take up this bill, pass it, and get on with the business of giving everyone a fair chance at success.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRUZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRUZ. Mr. President, at a time of extraordinary challenges across the globe and here at home, we are not gathered in the Senate to discuss how to confront the threat of ISIS. We are not gathered in the Senate to discuss how to prevent Putin's Russia from invading its neighbors. We are not gathered in the Senate today to discuss how to solve the humanitarian crisis at the border with some 90,000 unaccompanied children coming into the country this year. We are not gathered in the Senate today to discuss how to bring back jobs and economic growth, or how to correct the fact that the Obama economy has produced the lowest labor force participation since 1978—92 million Americans not working today. And we are not gathered in the Senate to discuss how to stop the disaster that has been ObamaCare, which has caused millions of Americans to lose their jobs, to be forced into part-time work, to lose their health insurance, to lose their doctors, and to see their premiums skyrocket. No.

Instead, we are gathered today in the Senate for a very different topic. The majority leader and the Democratic majority in this Senate have determined that the most important priority this Senate has, which we are spending the entire week addressing, is the proposal of 49 Democrats to repeal the free speech provisions of the First Amendment. That is not hyperbole. Typically, when Americans hear that Members of the Senate are proposing repealing the free speech protections of the First Amendment, the usual reaction is a gasp of disbelief. Could we really have entered a world so extreme that our common ground no longer even includes the First Amendment of the Constitution?

The First Amendment protects our most foundational rights. Yet, under the amendment we are debating today that 49 Democrats have signed their name to, the First Amendment would, in effect, have crossed out freedom of speech. Why? Because 49 Democrats have cosponsored a constitutional amendment that is currently on the floor of the Senate, being voted on this week, that would give Congress blanket authority to regulate political speech.

From the dawn of our Republic we have respected the rights of citizens to express their views. It is the right upon which every other civil liberty is predicated. But in the Democratic Senate of 2014, citizens' free speech rights are tools for partisan warfare.

This proposal before the Senate is, bar none, the most radical proposal that has been considered by the Senate in the time I have served. If this proposal were to pass, its effects would be breathtaking. It would be the most massive intrusion on civil liberties and expansion of Federal Government power in modern times.

Let's talk about how and why that is the case. The text of the amendment that is currently in the Bill of Rights

says, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech. So right now we operate under a First Amendment that says Congress shall make no law abridging the freedom of speech—not some laws; not laws that some politicians think would help them politically; but no law abridging the freedom of speech is what our First Amendment says.

What would the new First Amendment say? Well, according to our Democratic friends, the new First Amendment would have two sections. The first section says, Congress and States may regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections. Now, ''reasonable.'' Who could oppose reasonable limits? Isn't that the essence of reasonableness? Perhaps I have forgotten my spectacles, but I don't see in the current First Amendment, Congress can make reasonable restrictions on the freedom of speech. It doesn't say that. It says Congress shall make no law abridging the freedom of speech.

What is the difference? The First Amendment is not about reasonable speech. The First Amendment was enacted to protect unreasonable speech. I, for one, certainly don't want our speech limited to speech that elected politicians in Washington think is reasonable.

There was a time this body thought the Alien and Sedition Acts prohibiting criticizing the government were reasonable. There is a reason the Constitution doesn't say let's trust politicians to determine what speech is reasonable and what isn't.

I would note the Supreme Court has long made clear the First Amendment is all about unreasonable speech. For example, when the Nazis wanted to march on Skokie, IL—Nazi speeches, the paradigm example of unreasonable speech; it is hateful, bigoted, ignorant speech—the Supreme Court said the Nazis have a constitutional right to march down the street in Skokie, IL, with their hateful, bigoted, ignorant speech. Now every one of us then has a moral obligation to condemn it as hateful and bigoted and ignorant. But the First Amendment is all about saying government doesn't get to decide what you say is reasonable and what you say is not.

The First Amendment is all about saying we will not censor American citizens. What is this amendment about? Saying the Federal Government now has the power to censor each and every American who dares speak about politics. So if a person has a political view at home, they better hope politicians in Washington think that view is reasonable. I will tell my colleagues that very little of what we do in this town is reasonable and the idea that elected politicians would seek to arrogate power to themselves to censor the citizens is anathema to who we are as a country.

This bill, if adopted, raises three simple questions—questions I raised at three hearings in the Judiciary Committee and in the Constitution subcommittee, and I am the ranking member on the Constitution subcommittee of the Senate Judiciary Committee. We have had extensive debates on this amendment. I wish to pose three simple questions that I would ask every Democrat who has put his name to this—and I notice, sadly, my friend, the Presiding Officer, is one of them, but he didn't serve on the committee. So I would ask him to consider these questions, and I would hope every Democrat who has put his name to this, upon thinking about it, will have second thoughts and pull his name off.

So here are three questions every one of us should ask. No. 1, should Congress have the constitutional authority to ban movies?

No. 2, should Congress have the constitutional authority to ban books?

And No. 3, should Congress have the constitutional authority to ban the NAACP from speaking about politics?

My answer to these three questions is unequivocally, unquestionably no. Yet every single Democrat who has put his name on this amendment has no choice but to answer yes to all three of these questions.

I posed these questions in the Constitution subcommittee. When I posed them to the committee, the chairman of the committee, Senator DURBIN, gaveled the hearing shut because he could not answer those questions. But at the full Judiciary Committee hearing, I was told by my Democratic friends: This is hyperbole. This is exaggeration. We don't intend to ban movies or books or the NAACP. My response in those hearings was that this is the Senate. Forty-nine Senators are proposing an amendment to the Bill of Rights. The inchoate intentions that may be buried in the hearts of each and every Senator are utterly irrelevant to the question. The question is, What is the language that would be inserted into the Bill of Rights of our Constitution?

Let's look to the language. Section 2 of this amendment says Congress and the States shall have the power to implement and enforce this article by appropriate legislation and may distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.

That is very specific language that would now become part of our Bill of Rights. It is breathtaking. It is staggering in its scope.

I wish to take these one at a time because the Democrats, I am sure—all 49 Democrats—say, We don't intend to ban movies, books, or ban the NAACP. Well, let's look to the language they put their names to.

No. 1, let's start with movies. We have all heard a lot about the Citizens United case. In fact, we remember President Obama during the State of the Union hectoring the Supreme Court of the United States for the Citizens United case.

Relatively few people know the facts that underlie the Citizens United case. The facts in those circumstances are that a nonprofit corporation made a movie critical of Hillary Clinton, and for making a movie critical of Hillary Clinton the Obama administration tried to impose massive fines on them. Citizens United, which President Obama and the Senate Democrats decry as the most pernicious thing in modern times, it seems, was all about the government trying to fine a movie maker for daring to make a movie about Hillary Clinton.

Listen, let me be very clear. There are movie makers—Michael Moore's movies I think are complete nonsense. To quote the bard, they are full of sound and fury, signifying nothing. Michael Moore has a right to keep making those movies over and over again and spewing his nonsense as long as he likes. The First Amendment protects his right to be wrong.

And as a simple legal matter, would this amendment give Congress the constitutional authority to ban movies?

Paramount Pictures is a corporation. Under the text of the amendment, what could Congress do to a corporation? It can prohibit—and that is the language in the amendment—it can prohibit the corporation from spending money to influence elections. So if a movie talks about politics, Congress can make it a criminal offense. Go down to Hollywood, take the producers, the directors, the actors and everyone involved in the movie and put them in handcuffs. That is breathtaking.

Now, again, the Democratic Senators say, We don't intend to do that. Then why did they submit a constitutional amendment to the Bill of Rights that says Congress can prohibit Paramount Pictures from speaking about politics? That means Congress can ban movies.

How about the second question: Should Congress be able to ban books? That is an extreme question by anyone's measure. Surely, nobody in Washington is talking about banning books. Well, if we assumed that, our assumption would be wrong. Indeed, during the oral argument in Citizens United, the Supreme Court asked the Obama administration: Your position is that under the Constitution, the sale for the book itself could be prohibited. The answer from the Obama administration: Yes, if the book contained the functional equivalent of express advocacy. The Obama administration went in front of the Supreme Court and argued: We have the power to ban books.

This is in the record. This is in the official transcript. People can go and listen to this argument, listen to the Obama administration say they believe the Federal Government has the ability to ban books from your house. That is breathtaking.

I recognize in today's partisan society there are some people who may be

watching these remarks who aren't inclined to believe me. They might say: Listen, you are a Republican. You are a conservative. And coming from the spot in the political aisle that I do, I don't tend to trust Republicans or conservatives.

I understand that. I would tell you that if you don't believe me, perhaps you would believe that famed right-wing organization, the ACLU. The ACLU said this amendment, to which 49 Democrats have signed their names—what would it do? It would ''fundamentally 'break' the Constitution and endanger civil rights and civil liberties for generations.'' I said a few minutes ago that this was the most radical legislation that has been put before this body. Why is that? Because it is legislation the ACLU says would ''fundamentally 'break' the Constitution.'' Breaking the Constitution is no minor matter, and endangering civil rights and civil liberties for generations ought to concern every Member of this body.

One still might say: Surely banning books is hyperbole.

Well, if you don't believe me, the ACLU in writing told the Senate this amendment—to which 49 Democrats have put their names—would give Congress the power to ban Hillary Clinton's new book, ''Hard Choices.'' I want that to sink in for a moment. Forty-nine Democrats have just put their names to a constitutional amendment, and the ACLU rightly tells us that the express language of the amendment gives the government the power to ban Hillary Clinton's new book, ''Hard Choices.''

I have that letter from the ACLU. I also have a subsequent letter from the ACLU doing something which they haven't done before and which I don't know they will do again—thanking me and thanking all of us who have been fighting against this amendment for standing up for civil liberties. It is truly a shame the Democratic Party is not among them.

I ask unanimous consent to have printed in the RECORD both of the letters from the ACLU I referred to earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE OFFICE,
AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 3, 2014.

Re ACLU Opposes the Udall Amendment.

Hon. PATRICK LEAHY,
U.S. Senate, Committee on the Judiciary, Washington, DC.

Hon. CHARLES GRASSLEY,
U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: The American Civil Liberties Union strongly opposes S.J. Res. 19, a proposed constitutional amendment, sponsored by Sen. Tom Udall (D–NM), that would severely limit the First Amendment, lead directly to government censorship of political speech and result in a host of unintended consequences that would undermine the goals the amendment has been introduced to advance—namely encouraging vigorous political dissent and providing voice to the voiceless, which we, of course, support.

As we have said in the past, this and similar constitutional amendments would ''fundamentally break' the Constitution and endanger civil rights and civil liberties for generations.''

Were it to pass, the amendment would be the first time, save for the failed policies of Prohibition, that the Constitution has ever been amended to limit rights and freedoms. Congress has had the wisdom to reject other rights-limiting amendments in the past, including the Federal Marriage Amendment, the School Prayer Amendment, the Victims' Rights Amendment and, of course, the Flag Desecration Amendment, which many of the sponsors of this resolution opposed. It should likewise reject the Udall amendment.

1. DESCRIPTION OF THE AMENDMENT

While short, the Udall amendment is deceptively complex and presents several concerns.

Section 1 provides that ''[t]o advance the fundamental principle of political equality for all, and to protect the integrity of the legislative and electoral processes, Congress shall have power to regulate the raising and spending of money and in-kind equivalents with respect to Federal elections.''

Specifically, Subsection (1)(1) would allow limits on ''contributions to candidates for nomination for election to, or for election to, Federal office.'' Subsection (1)(2) would allow limits on ''the amount of funds that may be spent by, in support of, or in opposition to such candidates.'' Section 2 provides the same authorities to each state with respect to state elections.

Section 3 says that ''[n]othing in this article shall be construed to grant Congress the power to abridge the freedom of the press.'' And, Section 4 grants express authority to the states and Congress to implement these limits through ''appropriate legislation.''

2. THE AMENDMENT IS UNNECESSARY AND WOULD BE CORROSIVE TO VIGOROUS POLITICAL DEBATE ABOUT THE ISSUES OF THE DAY

Congress and the states already have the authority to limit contributions to candidates, including limits on expenditures like advertisements in support of a campaign or candidate paid for by an outside group and coordinated with that campaign or candidate. They have had this authority since the landmark Buckley v. Valeo Supreme Court case in the 1970s, which remains good law and only placed First Amendment limits on the ability of the government to control independent expenditures (that is, uncoordinated express advocacy for or against a candidate).

Citizens United's holding, that corporations (including non-profit advocacy groups like the ACLU and thousands of others) and labor organizations may spend general treasury funds on independent expenditures, is entirely consistent with the reasoning of Buckley.

Subsections (1)(1) and (2)(1) are therefore both unnecessary and redundant of existing law, which, notably, already also places some limits on independent expenditures, namely reporting requirements and less favorable tax treatment. Such redundancy can be dangerous for civil liberties, in that it invites courts to ask why lawmakers said the same thing twice, and whether duplication means that the second statement confers additional powers.

In other words, while the inclusion of contribution limits in the Udall amendment is presumably an attempt to get at McCutcheon's ban on aggregate limits, it could also permit other laws limiting contributions that would severely harm political debate, exacerbate the incumbency advantage, give certain political parties an unfair leg up and disproportionately impair third parties, many of whom cannot afford the sophisticated legal counsel necessary to navigate the complex new laws this amendment would allow. The contribution section could, for instance, allow a federal law limiting contributions to the point where challengers cannot mount an effective campaign, and third parties simply can't afford to stay in business.

More important, however, is the proposed change in Subsections (1)(2) and (2)(2), which would permit the federal and state governments to limit the amount of funds spent ''in support of, or in opposition to'' candidates for office. Right now, under existing law, there is a distinction between express advocacy (''vote Romney/Ryan'' or ''support Obama/Biden'') and ''issue advocacy'' (''call Speaker Boehner and tell him to stop blocking NSA surveillance reform''). Historically, campaign finance reform efforts, including constitutional amendments such as this one, have sought to restrict ''sham'' issue advocacy—that is, communications that some claim are express advocacy disguised as issue advocacy.

As a practical matter, however, the staff vested with the responsibility of distinguishing between the two at the Federal Election Commission (''FEC'') or the Exempt Organizations Division of the Internal Revenue Service are ill-equipped to draw these lines in a consistent and principled manner.

For instance, would an ACLU ad urging members of Congress to support Patriot Act reform, which runs shortly before the November 2004 election (when that issue is at play in the election), be construed as an issue ad exhorting voters to support reform or a covert attempt to influence voters to oppose members who do not support reform? Similarly, would an ad by a group urging repeal of the Affordable Care Act, which runs before the 2012 presidential election, be issue advocacy or covert express advocacy?

Given the inability of the world's best election law lawyers, let alone overworked line revenue agents and attorney-advisors, to make a principled determination on any such ads, lawmakers tend to overcorrect and restrict all issue advocacy in order to suppress any covert express advocacy. The Bipartisan Campaign Reform Act attempted to do exactly that by criminalizing any broadcast, cable or satellite communication that simply mentioned a candidate in the 30 days before a primary or 60 days before a general election.

Recognizing both the severe harm to political debate through overbroad laws that suppress all issue advocacy mentioning a candidate for office, and the difficulty in making principled distinctions between issue and express advocacy under a totality of the circumstances approach, the courts have rightly rejected measures that allow the government to restrict issue advocacy at all.

Sections (1)(2) and (2)(2) are designed to, and would, completely overturn that legal distinction between issue and express advocacy and permit the government to criminalize and censor all issue advocacy that mentions or refers to a candidate under the argument that it supports or opposes that candidate.

To give just a few hypotheticals of what would be possible in a world where the Udall proposal is the 28th Amendment:

Congress would be allowed to restrict the publication of Secretary Hillary Clinton's forthcoming memoir ''Hard Choices'' were she to run for office;

Congress could criminalize a blog on the Huffington Post by Gene Karpinski, president of the League of Conservation Voters,

that accuses Sen. Marco Rubio (R–FL) of being a ''climate change denier'';

Congress could regulate this website by reform group Public Citizen, which urges voters to contact their members of Congress in support of a constitutional amendment addressing Citizens United and the recent McCutcheon case, under the theory that it is, in effect, a sham issue communication in favor of the Democratic Party;

A state election agency, run by a corrupt patronage appointee, could use state law to limit speech by anti-corruption groups supporting reform;

A local sheriff running for reelection and facing vociferous public criticism for draconian immigration policies and prisoner abuse could use state campaign finance laws to harass and prosecute his own detractors;

A district attorney running for reelection could selectively prosecute political opponents using state campaign finance restrictions; and

Congress could pass a law regulating this letter for noting that all 41 sponsors of this amendment, which the ACLU opposes, are Democrats (or independents who caucus with Democrats).

Such examples are not only plausible, they are endless. Currently, we do not have to worry about viewpoint discrimination, selective enforcement and unreasonable regulations that unnecessarily stifle free speech without advancing a legitimate state interest because of the First Amendment, and these protections would not apply to speech covered by this proposed amendment. Tinkering with the First Amendment in this way opens the door to vague and overbroad laws, which both fail to address the problem that Congress wishes to solve and invariably pull in vast amounts of protected speech.

Vague and overbroad laws regulating pure speech are also exceedingly dangerous to democratic processes because they can be misused by various parochial interests. During the civil rights era, for instance, southern states often tried to use laws forcing groups exercising their First Amendment rights to disclose their membership, in a bid to run them out of town.

Rather than ''equalizing'' the debate and giving voice to the voiceless, laws that allow criminalization of issue advocacy—which this, on its face, would permit—actually give the advantage to special interests with significant resources, because they can now call on the law to regulate their policy opponents. By exempting this class of political speech from the scope of the First Amendment (and potentially other rights), it would provide no protection at all for disfavored minority groups on both the left and right. Congress would, for instance, be free to pass laws targeting only ''political'' speech by groups like ACORN.

3. THE AMENDMENT COULD PERVERSELY HARM FREEDOM OF THE PRESS AND WOULD DIRECTLY EVISCERATE THE FREEDOMS OF SPEECH, ASSEMBLY AND PETITION

In addition to allowing Congress and the states to criminalize issue advocacy, the amendment's third section, exempting ''freedom of the press'' from its reach, poses four major problems.

First, it could actually make matters worse. Those with enough money can afford to buy newspapers or journalistic websites, which are indisputably press outlets, and would be completely outside the scope of the laws permitted by this amendment. William Randolph Hearst's newspaper empire, for instance, was at first a vigorously partisan supporter of Franklin Roosevelt (and then critic), and such partisan electioneering by the mass media would unquestionably be permitted under this amendment.

Second, it invites government inquiry into what constitutes ''the press,'' which is increasingly problematic in the age of citizen journalism and the internet. Here, the government would have to determine if the Daily Kos or Red State qualify as ''the press.'' If yes, they can blog freely. If no, they could be censored or even go to jail. The potential for abuse is obvious.

Accordingly, the reference to freedom of the press could perversely limit that freedom. Legally, ''the press'' has been defined broadly. It encompasses not only the ''large metropolitan publisher'' but also the ''lonely pamphleteer.'' ''Freedom of the press is a fundamental personal right,'' the Supreme Court has written, ''which is not confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets. The press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion.''

The reference to freedom of the press will force the government and courts to draw difficult lines between non-traditional media and the ''large metropolitan publisher.'' More often than not, the latter, simply because of the breadth of issues covered in their media, is going to appear less ''political'' than the pamphleteer handing out circulars urging greater gun control, reproductive freedom or a path to citizenship for undocumented immigrants. The courts interpreting the laws permitted by this amendment are therefore more likely to move away from the notion of ''lonely pamphleteer'' as press.

Finally, fourth, the reference to the press clause expressly incorporates the speech, assembly and petition clauses into the Udall amendment by omission. In other words, the amendment makes clear—through lack of reference to the speech clause—that this amendment is meant to directly constrain the existing speech, assembly and petition rights, and potentially all other constitutional rights that could conceivably apply, with respect to both the state and federal governments. That is both unprecedented and exceedingly worrisome.

Additionally, we note that Section 3 appears to only apply to Congress, suggesting that states may be free to ''abridge'' the freedom of the press.

4. AMENDING THE CONSTITUTION TO LIMIT A SPECIFICALLY ENUMERATED CONSTITUTIONAL RIGHT IS UNPRECEDENTED IN THE HISTORY OF THE REPUBLIC

It bears emphasizing that this would be the first time the amendatory process has been used to directly limit specifically enumerated rights and freedoms. Many argue that such an amendment is not unprecedented. What they mean, however, is that amending the Constitution in response to an unpopular court case is not unprecedented. In those cases, however, the amendment either had little to do with individual rights or it restored lost rights. In no case, did it limit the right and freedom that vouchsafes our ability to advocate for all of our other rights and freedoms.

Finally, while rights-limiting amendments are unprecedented, proposals to do so are legion.

The ACLU has aggressively lobbied against, to name just a few, the Flag Desecration Amendment, which would have overturned the Supreme Court cases prohibiting the state and federal governments from criminalizing defacement of the American flag; the Victims' Rights Amendment, which would have limited the rights of criminal defendants; an amendment to deny automatic citizenship to all persons born in the United States; the School Prayer Amendment, which would have given school officials the power to dictate how, when and where students pray; and the Federal Marriage Amendment, which would have denied marriage rights to same-sex couples in committed relationships.

Were this to pass, the Udall amendment would grease the skids of these and other proposals to limit fundamental constitutional rights.

For all of these reasons, we strongly urge you to oppose the Udall amendment, and to focus Congress's attention on enacting effective public financing laws, tightening up the coordination rules, ensuring prosecutors have effective resources to pursue straw donations and other common sense measures for promoting the integrity of our political system.

What you must not do is ''break'' the Constitution by amending the First Amendment.

Please do not hesitate to contact Legislative Counsel/Policy Advisor Gabe Rottman at 202–675–2325 or grottman@aclu.org if you have any questions or comments.

Sincerely,

LAURA W. MURPHY,
Director, Washington Legislative Office.
GABRIEL ROTTMAN,
Legislative Counsel/Policy Advisor.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, August 6, 2014.

Hon. TED CRUZ,
U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATOR CRUZ: We write to offer our thanks for your co-sponsorship of the USA Freedom Act and your ardent defense of the First Amendment in two important areas. As you so aptly said, ''Republicans and Democrats are showing America that the government can respect the privacy rights of law-abiding Americans, while at the same time, giving law enforcement the tools needed to target terrorists.''

The American Civil Liberties Union has long sought to work with members at all points on the political spectrum to advance fundamental American principles of individual liberty and personal privacy. We are heartened that you have been willing to reach across the aisle to further those essential values and implement needed reforms of our growing surveillance state.

We would also note that, while many of the objections to the bulk surveillance programs revealed in the past year have focused on privacy, the ACLU has long been critical of mass surveillance on First Amendment grounds as well. Indiscriminate government spying abrogates our constitutional right to anonymous speech and chills associational activity.

Indeed, it raises many of the same concerns that have led the Supreme Court to prohibit the compelled disclosure of political associations and beliefs in landmark cases like National Association for the Advancement of Colored People v. Alabama, 357 U.S. 449 (1958); Shelton v. Tucker, 364 U.S. 479 (1960); Gibson v. Florida Legislative Committee, 372 U.S. 539 (1963); Brown v. Socialist Workers Party, 459 U.S. 87 (1982); McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995); and Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton, 536 U.S. 150 (2002).

One of the key civil liberties concerns with indiscriminate bulk surveillance, for either criminal investigative purposes or national security, is that it gives the government a detailed record of those dissenting from official policy—on both the right and left. Surveillance chills such dissent, which results in poor policy outcomes. Anonymity is essential for the dissemination of unpopular ideas, which often enrich the marketplace of ideas. Anonymous speech and association have

driven social progress on numerous fronts, from civil and labor rights to, tellingly, our expansive modern view of free speech.

For these and other reasons, the ACLU also opposes S.J. Res. 19, a proposed constitutional amendment that would limit the First Amendment to allow the government—federal and state—to ''regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections.''

While we certainly appreciate the good intentions of the measure's supporters, we fear—based on long historical experience—that such an open ended remit would result in the censorship of pure issue advocacy by non-partisan, non-profit groups. Likewise, we anticipate the amendment would be used, much like programmatic national security surveillance, to compel disclosure of constitutionally protected anonymous political activity and association by those espousing controversial or minority views.

The fact this would be the first time any enumerated right in the Constitution has been restricted through the amendatory process underscores the gravity of the threat to the First Amendment posed by S.J. Res 19. We thank you for your support for the First Amendment in your staunch opposition to the constitutional amendment and your original co-sponsorship of the USA Freedom Act.

We look forward to working with you on other First Amendment issues. Please contact Legislative Counsel/Policy Advisor Gabe Rottman if you should have any questions at 202–675–2325 or grottman@aclu.org.

Sincerely,

LAURA W. MURPHY,
Director, Washington Legislative Office.
MICHAEL W. MACLEOD-BALL,
Chief of Staff/First Amendment Counsel.
GABRIEL ROTTMAN,
Legislative Counsel/Policy Advisor.

Mr. CRUZ. The third question every Senator who has put his name to this amendment must answer is this: Should Congress have the constitutional authority to ban the NAACP from speaking about politics? Well, why is that? Because the NAACP is a corporation. We hear the word ''corporation,'' and we tend to think of ExxonMobil, Walmart, or what have you, but the NAACP is a corporation. What could Congress do under this amendment, under the explicit language of this amendment? Congress could prohibit the NAACP from speaking about politics.

Let me state some other corporations Congress would have the constitutional authority to silence. The ACLU is a corporation. The AARP—the American Association of Retired Persons—is a corporation. People for the Ethical Treatment of Animals is a corporation. Amnesty International is a corporation. Americans United for Separation of Church and State is a corporation. The Gay & Lesbian Advocates & Defenders is a corporation. The National Organization for Women is a corporation. The Center for Reproductive Rights is a corporation. The Sierra Club is a corporation. La Raza is a corporation. NARAL is a corporation. Planned Parenthood is a corporation. Moveon.org is a corporation. The Human Rights Campaign is a corporation. Greenpeace is a corporation.

People will note that every one I listed is a group that in our political discourse is often associated with being on the left. Many of those groups are not particular fans of mine as an elected official, and that is their right. Indeed, it is their right to scream from the mountaintops their criticism of my political positions. I will defend their right to criticize me or any other Member of this body all day long because the Bill of Rights says Congress shall make no law abridging the freedom of speech.

Forty-nine Democrats just said that every organization I read—that it should be constitutional for Congress to prohibit them from speaking about politics.

It seems to me that when we return to our home States, every Senate Democrat who put his or her name to this amendment should expect to answer questions from citizens: Senator, why did you vote for a constitutional amendment to silence my free speech rights? That is a question we should all expect.

I would like to address a couple of red herrings in this debate because there are arguments put forth by the Democrats who say: No, no, no. Pay no attention to the text of the amendment we have introduced. Pay no attention to the fact that it would give Congress the power to ban movies, books, and to silence the NAACP. Pay no attention to any of that. It is something else.

There are three red herrings that are tossed forward.

First, money is not speech. How many times have we heard that over and over in floor speeches? Yesterday and today Democrats have stood and said: Money is not speech. Money is not speech. It has been repeated over and over. It is a good talking point. It is simply, on its face, demonstrably false. It is certainly true that all money is not speech.

If you go out and buy a Ferrari, that is not speech, but if you go out and erect a billboard and pay money to put up a billboard that says ''Senator JOE MANCHIN is a terrific guy,'' that is speech. It takes money to do that. They don't put up billboards with pixie dust. It actually takes some dollars to erect that billboard and to express that speech.

If you decide you want to run a radio ad saying that Senator so-and-so is terrible or wonderful, they don't run radio ads just because you asked ''pretty please.'' It takes money.

Let's say you want to run a television ad. It takes money.

Let's say you want to launch a Web site. Have you ever launched a Web site for free?

Let's say you are a little old lady who wants to put a yard sign on your front yard, and it is going to take $5 to buy some poster board and a stick and some crayons and markers and write: I love the First Amendment; I love free speech. That takes money.

The Federalist Papers were the essence of speech, and it took money to print them. Thomas Paine's ''Common Sense''—it took money to print it. It took money to print pamphlets.

Everyone in the tech community—and I would note that all of our Democratic friends and sponsors of this amendment almost to a person go routinely to the tech community and say: Give us money. Give us campaign contributions.

Every Senate Democrat should expect the tech community to say: Wait a second. Why did you vote for a constitutional amendment to give Congress the power to regulate every Web site in America?

If a Web site talks about politics, this amendment gives Congress the power to regulate that Web site.

Listen, I understand there are Members in this body on both sides of the aisle who find it really pesky when citizens dare criticize us. If you don't want to be criticized, don't run for office. Democracy is messy.

I guarantee there is no one in this country who truly believes money is not speech. It is a talking point, but those examples are unquestionably speech, and they have been from the very first days of our Republic.

A second canard is that corporations are not people. That is often said. Citizens United said that corporations are people.

Of course corporations are not people, but that is not the right question. It never was the question. Nobody thinks corporations are people. They don't breathe, they don't walk, and they are not human beings. The question is, Do corporations have rights under our Constitution? Again, I guarantee that every person in this Chamber and every person in the gallery believes the answer to that question is yes. If they don't, the New York Times is a corporation. Do we really think the New York Times has no First Amendment rights?

If the canard were true—corporations are not people, so they don't have rights—Congress could pass a law tomorrow that says the New York Times can never again criticize any Republican Member of Congress. I think the paper would probably go out of publication if it had to remove that from its content.

But it, of course, cannot. Why can't it? Because corporations have rights. Every one of us knows that. We would be horrified. That legislation would be blatantly unconstitutional. Why? Because the New York Times has a First Amendment right to speak about politics however it likes, whether wrong-headed or right-headed.

The groups I mentioned before—the NAACP is a corporation. I challenge any Senator to stand and say the NAACP has no First Amendment rights. But every Senator who has said on this Senate floor that corporations

aren't people, that they have no rights, has said the NAACP has no constitutional rights—if you were a first-year law student and put that answer in any constitutional law class in the country, you would get an F. It wouldn't be a D-plus or a D-minus; it would be an F. It is an obviously blatantly false statement. Yet 49 Democrats rely on it to justify trying to gut the First Amendment.

The third red herring the Democrats in this body point to is they paint a specter of evil billionaires coming to steal our democracy.

We have all heard of our friends the Koch brothers—in part because the majority leader has launched an unprecedented slander campaign on two private citizens. Almost on a daily basis the majority leader stands and demagogues two private citizens who have committed the sin of creating hundreds of thousands of jobs, being successful in the private sector, and then exercising their First Amendment rights to speak out about the grave challenges facing this country.

If one Member of this body impugns the integrity of another Member of this body, we can rise on a point of personal privilege. I ask the Presiding Officer, where is the point of personal privilege for a private citizen when the majority leader drags his name through the mud day after day?

What Senator REID is doing to two private citizens who are fighting to exercise their free speech rights is reprehensible. It is an embarrassment to this institution. Yet perhaps one might say there is some truth to the matter. We are told these nefarious brothers are responsible for almost everything bad in the world, so it must be that they are playing a huge role in our body politic.

Well, if you go look at OpenSecrets, which compiles campaign giving from 1989 to 2014, so for the past 25 years—and it compiles them from the biggest givers down to the smallest givers—if you look at first 16 names on that list—I have heard what our Democratic Members of this body have said: There are evil, nefarious Republicans trying to steal our democracy. And the implication is that they are backing Republicans. So my assumption is, as I look at the list of the top donors, the top 16—how many of them give predominantly to Republicans? Well, one would assume, given how great the magnitude is, that it has to be a lot of them, probably all of them, or if not all of them, most of them—at least half of them.

Mr. President, do you know how many of the top 16 groups give predominantly to Republicans? Zero. The top 16 political donors in this country all give either overwhelmingly to Democrats or at best evenly between the two parties. You have to fall to No. 17 to find a group that gives more heavily to Republicans than to Democrats. Now, that is curious given the story that is being told by our Democratic friends about these evil Republican billionaires stealing democracy. Gosh, the top 16 donors are not Republicans.

And how about the Koch brothers who we are told are somewhat like the Grinch who stole Christmas? Where do they fall? We have to go down to No. 59 on the list to find Koch Industries.

But perhaps you believe there is something to this claim of secret money. That too is a red herring. The Federal Election Commission estimates that over $7 billion was spent in the 2012 election cycle. We have heard from Democrat after Democrat after Democrat that secret money—money where the donors are not disclosed—is this enormous problem in our democracy that justifies gutting the First Amendment. So of that $7 billion, I assume a lot of that is secret money. Well, if you were to assume that, you would be wrong. The Center for Responsive Politics estimates that in 2012 about $315 million was spent by groups that do not disclose all of their donors. That is less than 4.5 percent of all the political speech in 2012.

So this entire effort to gut the First Amendment, to give Congress the power to ban movies, books, and the NAACP from speaking about politics is justified because of 4.5 percent of political spending, a whole bunch of which is being spent to help Democrats. Those are the facts. As John Adams famously said: Facts are stubborn things.

(Ms. WARREN assumed the Chair.)

So it raises the question: If the problems they are telling us about are not real, why are the Democrats doing this? Why are we spending a week debating this constitutional amendment, the most radical constitutional amendment this body has ever considered, particularly because every single Member of this body knows the outcome? There are not sufficient votes to adopt this amendment. The Democrats all know this. The Republicans all know this. Then why would they be doing it?

Well, if you are a Democrat running for reelection in 2014, you cannot run on the economy. The Obama economy is a disaster. Millions of people are out of work. The people who have been hurt the most by the Obama economy are the most vulnerable among us—young people, Hispanics, African Americans, single moms. We have not seen such a low labor force participation since 1978, since the stagnation and misery and malaise under Jimmy Carter. The Obama economy has recreated that. So if you are a Democrat, you cannot run on the disastrous economic record of the Obama administration.

If you are a Democrat, you certainly cannot run on ObamaCare—the most harmful social services legislation in modern times that has cost millions of Americans their jobs, their health care, their doctors. If you do not believe me, take a look at how the Democrats are running in their States. You do not see Democrats running saying: We passed ObamaCare. When you take away millions of people's health care and doctors, and when you look in the TV camera and repeatedly state falsehoods: If you like your health insurance plan, you can keep it, if you like your doctor, you can keep them, you do not really want to remind the American people that you deliberately lied to them.

And the Democrats certainly cannot run on the Obama-Clinton foreign policy—a policy about which we heard last week the President has no strategy for dealing with the great threats facing this country. Leading from behind is not a strategy, and we can see the consequences of the Obama-Clinton foreign policy, which is that the entire world is on fire.

If you are a Democratic Senator running for reelection in 2014, you have a problem. You cannot run on your record because the record is abysmal. So what is done instead? It is smoke and mirrors. It is distraction.

The only explanation I can come up with for why we are spending a week—with all the challenges in the world—a week debating an amendment that will never ever pass is this is designed to fuel a bunch of TV commercials for Democratic Senators, to paint the picture of nefarious billionaires coming to steal our democracy. Facts do not get in the way of their story. But yet the breadth of this is rather enormous.

I serve on the constitution subcommittee with the Senator from Minnesota, who before being a Senator was a very talented comedic actor and comedic writer on ''Saturday Night Live.'' I grew up watching ''Saturday Night Live.'' I love ''Saturday Night Live.''

''Saturday Night Live'' over the years has had some of the most tremendous political satire—for decades. Who can forget Chevy Chase tripping and falling over just about everything? Who can forget portrayals—Dana Carvey's George Herbert Walker Bush: ''Not going to do it.'' Who can forget Bill Clinton, Ronald Reagan, Al Gore? Who can forget in 2008 the ''Saturday Night Live'' wickedly funny characterization of the Republican Vice Presidential nominee Sarah Palin? It was wickedly funny and also had a profoundly powerful effect on people's assessment of Governor Palin, who is a friend of mine.

When I asked the Senator from Minnesota in the Senate Judiciary Committee: Do you believe that Congress should have the constitutional authority to prohibit ''Saturday Night Live'' from making fun of politicians, the good Senator promptly reassured me he had no intention of doing any such thing. But what we are debating is not the intentions of 100 Senators. What we are debating is a constitutional amendment that 49 Democrats are proposing to be inserted into the Bill of Rights.

The only question—it is not the intention of those Senators—but, rather, what would that amendment say? What the amendment says is for any corporation Congress would have the constitutional authority to prohibit it from engaging in political speech.

Well, NBC, which airs ''Saturday Night Live,'' is a corporation. Under this amendment 49 Democrats have signed their name to, Congress would have the power to make it a criminal offense. Lorne Michaels could be put in jail under this amendment for making fun of any politician. That is extraordinary, it is breathtaking, and it is dangerous.

The idea of banning books is not new. Advocates of government power, statists, have long favored silencing the citizenry. It is why our First Amendment was such a revolutionary concept, the idea that the individual citizen has the authority to challenge any elected official, from local magistrate all the way up to the President of the United States.

But if you are an advocate of governmental power, the citizens having the liberty to speak out is inconvenient; it can lead to inconvenient truths. So on some level it should not be surprising that the modern Democratic Party, which has become the party of government power over every aspect of our lives, would take it to the final conclusion of giving government the power to silence our political speech and to ban books.

I am reminded, in Ray Bradbury's immortal book ''Fahrenheit 451,'' of the words of Captain Beatty: ''If you don't want a man unhappy politically, don't give him two sides to a question to worry him; give him one. Better yet, give him none.'' That was, of course, the chief fireman in charge of burning books in ''Fahrenheit 451.'' In the book that is the temperature at which book paper ignites. It breaks my heart that today we are seeing the Fahrenheit 451 Democrats. Today we have seen 49 Democrats put their name to a constitutional amendment that would give Congress the power to ban books.

Some might dismiss it and say: What does it matter? It is an exercise in politics. They do not really believe it. They know it is not going to pass. Politicians will be politicians. No wonder the American people are cynical. I would be embarrassed if one Senator put his or her name to an amendment repealing the free speech protections of the First Amendment. Instead of one, it is 49. And much like with Sherlock Holmes and ''the dog that didn't bark,'' every bit as troubling as the 49 names of the Senators who are willing to repeal the free speech protections of the First Amendment are the Senators who are not speaking out. In particular, we have not seen a single Democrat have the courage to speak out against this abominable provision.

It was not always so. There was a time not long ago when there was bipartisan agreement on questions of civil liberties. There was a time when you could find Democrats for whom the First Amendment meant something.

In 1997, Democrats attempted a similar amendment to give Congress the power to regulate free speech, and that lion of the left Ted Kennedy stood up and said: ''In the entire history of the Constitution, we have never amended the Bill of Rights, and now is no time to start.''

Where are the Ted Kennedys? Where are the Democrats? Where are the liberals?

Also in 1997, Senator Russ Feingold, another passionate liberal, stood up and said:

> . . . the Constitution of this country was not a rough draft. We must stop treating it as such. The First Amendment is the bedrock of the Bill of Rights. It has as its underpinnings that each individual has a natural and fundamental right to disagree with their elected leaders.

I agree with Ted Kennedy, I agree with Russ Feingold, and I will tell you, privately I have urged Democratic colleagues to come and join me in defense of the First Amendment—the handful who have not put their names to this amendment—and all I can surmise is that the partisan pressures of Washington are too much.

This amendment is not going to pass, but it is profoundly dangerous that in the U.S. Senate not a single Democratic Senator will come to the floor in defense of the First Amendment. It is profoundly dangerous that the modern Democratic Party now thinks it is good politics to campaign on repealing the First Amendment. The hashtag #don'trepeal1A has echoed through twitter as individual citizens are amazed.

Earlier this year we saw all 55 Democrats stand together against religious liberty, supporting an amendment that would gut the Religious Freedom Restoration Act which was passed with overwhelming bipartisan support and signed into law by Bill Clinton.

It used to be on religious liberty there was a bipartisan consensus. The same used to be true on free speech. When did Democrats abandon the Bill of Rights? When did Democrats abandon civil liberties? I assure you, if it were my party proposing this egregious amendment, I would be standing on the floor of this Senate giving the very same speech trying to hold my party to account. Because at the end of the day, when we take our oath of office, it is not to a Democratic Party or the Republican Party, it is to represent the citizens of our State—in my case, 26 million Texans—to fight for their rights and to defend and uphold the Constitution of the United States.

There is nothing the United States has done in the just under 2 years that I have been in this body that I find more disturbing and more dangerous than the fact that 49 Democrats would put their name to a proposal to repeal the First Amendment.

When my daughters Caroline, 6, and Catherine, 3, came up from Texas to Washington for a weekend to visit, I took them to the Newseum. It is a terrific museum. The front facade of the Newseum has in gigantic letters the text of the First Amendment carved in granite.

If the Democratic Party has its way, the Bill of Rights will be forever altered. We will have to send up workmen to that facade to carve with jackhammers the words of the First Amendment out of the granite in the front of the Newseum.

In the Senate Judiciary Committee I introduced a substitute amendment. It was an amendment to replace every word of this extraordinarily dangerous amendment with the following words:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It was word-for-word verbatim the text of the First Amendment of the Constitution of the United States, and I am sorry to tell you every single Senate Democrat on the Judiciary Committee voted against the text of the First Amendment. It was a straight party-line vote.

Going back to Senator Kennedy, Senator Kennedy and I would have agreed on very little. On matters of policy, he was a big government man and I most assuredly am not. On matters of foreign policy, he supported a far weaker military than do I and a far weaker defense of our Nation. But on the question of the First Amendment, I am proud to stand side by side with Ted Kennedy.

What does it say about the modern Democratic Party that not a single Democrat is willing to honor Senator Kennedy's legacy? His words are every bit as true now as they were in 1997.

> In the entire history of the Constitution, we have never amended the Bill of Rights, and now is no time to start.

It is my plea to the Democratic Members of this body that they reconsider the decision of putting their name on this amendment. It may seem like harmless election-year politicking that will help in political campaigns, but it is dangerous when 49 Senators come together and say: We no longer support the First Amendment.

We have a two-party system—a two-party system on which there should be robust debate. It is even more dangerous when one of the two parties becomes so extreme and so radical that it becomes seen as good politics to campaign against the First Amendment.

This will not pass this week, but I hope my Democratic colleagues will have second thoughts. I hope we can return to the day where there is a bipartisan consensus in favor of civil liberties, in favor of protecting the free speech rights of every American.

I hope we will listen to the wise counsel of Senator Kennedy, and I hope we will recognize, as Senator Kennedy and Senator Finegold observed, that there are no James Madisons or Thomas Jeffersons serving in this body today.

The Bill of Rights is not a rough draft, and the U.S. Senate should not

be proposing to repeal the First Amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, listening to the good Senator from Texas, I feel as though I am in a parallel universe.

I rise to support S.J. Res. 19, an amendment to the U.S. Constitution that ensures our democracy is for the people—for the people, not for corporations.

I am proud to cosponsor this measure. I am also proud to stand with the overwhelming majority of this country in support of restoring commonsense and fair campaign finance rules.

The current Supreme Court has been noted as among the most pro-corporate Supreme Courts in our history. In decision after decision, a narrow conservative majority of the Court has placed the voices of the corporations and special interests over the voices of the people.

The Court decided Citizens United in 2010. Corporations are people with free speech rights, said the Court's 5-to-4 majority. Under this construct that corporations are people, this ruling, Citizens United, granted special interests the right to use corporate treasuries to drown out the voices of the people without being subject to meaningful disclosure requirements.

We have already seen the impact of this decision. According to the Center for Responsive Politics, this election year outside groups have spent triple the amount they had at the same time in 2010, and the election is still months away.

The Court thrust the floodgates even wider with the ruling in the McCutcheon case. This ruling struck down aggregate limits on contributions by individuals. So now billionaires could spend hundreds of millions of dollars to influence elections—and they are doing just that.

In these two decisions, the majority willfully ignored the reality of the corrupting influence of Big Money in our democracy. It is clear to me that the Court got it wrong in both cases. To fix what has been done, Congress must act.

The need for action is not just a Democratic or Republican issue. Nearly 80 percent of Americans support overturning the Supreme Court's Citizens United decision. Campaign spending is out of control, and the American people strongly support reform. Seventy-one percent believe that individual contributions should be limited, and 76 percent believe that spending by outside groups should also be limited.

The American public is clear on this issue. Only in Washington, DC, has this become such a polarized debate. Unchecked and unaccountable, spending on campaigns impacts politics and policy across the country, even at the State and local levels. From Arizona to Montana to my home State of Hawaii, the Supreme Court's extreme decisions on campaign finance are undermining fair, democratic processes.

The Citizens United and McCutcheon cases also limit the ability of Congress and the States to fix the problems caused by these decisions. Why? Because the Supreme Court has decided that unfettered spending in elections is a constitutional right. So the only way we can fix these wrong decisions is by amending the Constitution.

The Supreme Court's majority claims that allowing unlimited spending in elections is essential to protecting the First Amendment, that unlimited spending by corporations and individuals is a constitutional right.

Guess what. Before the Supreme Court's decision in Citizens United and McCutcheon, the First Amendment and constitutional rights were alive and well. So the Court argued that restricting campaign spending would limit the right of individuals and groups to participate in our democratic process—never mind that they have been participating in our democratic processes before these decisions.

In reality, these rulings institutionalize the power of Big Money in politics at the expense of regular Americans. The Court's decisions have the effect of saying that in our democracy those with the most money should have the loudest voices and that the very identity of those voices can be hidden from the voters. The huge undisclosed expenditures that these decisions allow have diluted the core principle of democracy: one person, one vote.

The vast majority of the American people disagree with the Supreme Court's unprecedented interpretation of the First Amendment. The Court has left us with the option we are pursuing today—amending the U.S. Constitution. When the Supreme Court said that women did not have the right to vote, Congress and the people passed the 19th Amendment. So amending the Constitution to protect our democracy is not some new or radical idea. When the Supreme Court said States could impose poll taxes on the poor, Congress and the people passed the 24th Amendment, and the list goes on. Why? Because the Supreme Court is made up of human beings, and as human beings they sometimes get it wrong, as they did in the Citizens United and McCutcheon decisions.

As retired Justice John Paul Stevens wrote in his dissent to Citizens United:

> The Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self-government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt.

Justice Stevens has it right and so does the overwhelming majority of Americans. Republicans, Democrats, and Independents all agree that the Court's ruling in Citizen's United and McCutcheon stand for something that is completely inconsistent with America's Constitution, history, and values. I say that the First Amendment was alive and well before the Citizens United and the McCutcheon decisions.

The constitutional amendment before us does not repeal anything in the Constitution; rather, it undoes the damage that five members of the Supreme Court have done to free and fair elections. By the way, money buys speech, it is not speech. I urge my colleagues to support S.J. Res. 19.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Thank you, Madam President. Let me first say how much I appreciate all of my colleagues coming to the floor and talking about this amendment. Senator HIRONO is here. I know Senator WHITEHOUSE is coming down. A number of Senators have come down and spoken very eloquently. The Presiding Officer has also taken a good strong position and we so much appreciate all of her good work.

An earlier speaker said that the NAACP is against this amendment. In fact, the NAACP is for this amendment.

I ask unanimous consent to have printed in the RECORD a statement off their Web page of their endorsement of the constitutional amendment I am going to talk about.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the NAACP.org]

CONSTITUTIONAL AMENDMENT TO LIMIT CORRUPTING ROLE OF BIG MONEY CONTRIBUTIONS TO POLITICAL CAMPAIGNS

S.J. RES. 19/H.J. RES. 20, WOULD MAKE CLEAR THAT CONGRESS, INDIVIDUAL STATES AND THE AMERICAN PEOPLE HAVE THE AUTHORITY TO MEANINGFULLY REGULATE CAMPAIGN FINANCE

It is no secret that the role of money in politics is ever increasing, and that money plays a major role in who stands for office, who wins, and, most critically, the eventual public policy Congress enacts. With the decisions by the U.S. Supreme Court in the 2010 Citizens United v. Federal Election Commission (FEC) and 2014 McCutcheon vs. FEC cases, the role of big money, donated by wealthy corporations and individuals, will only continue to grow.

Because it is becoming increasingly clear that income and wealth inequality is rooted in political inequality, the NAACP strongly supports several legislative initiatives—including H.R. 20, the Government By the People Act, and S. 2023, the Fair Elections Now Act, which put voluntary curbs on campaign spending. Together, these two bills are comprehensive reform packages designed to combat the influence of big money politics, raise civic engagement and amplify the voices of everyday Americans.

Yet some have concerns about the voluntary nature of these bills—candidates may opt out of participating and adhering to limits on the amounts raised and spent Thus, in addition to supporting the legislation, the NAACP supports a constitutional amendment that would make clear that Congress, individual states and the American people have the authority to meaningfully regulate campaign finance and to restore transparency and safeguard the role of individual

voices in our elections. The constitutional amendment has been proposed by Senator Tom Udall (NM) (S.J. Res. 19) and in the House of Representatives by Congressman Jim McGovern (MA) (H.J. Res. 20).

Amending the Constitution is hard—and it should be. But it is not impossible. Already 16 states and hundreds of local governments across the country have called on Congress to take action, showing strong public support for reform from all sides of the political spectrum. Furthermore, supporters of a Constitutional amendment have been promised a vote by the full Senate on S.J. Res. 19 before the end of the year.

Mr. UDALL of New Mexico. Thank you, Madam President.

Some of our opponents have come down to the floor and asked: Why do this now? Why bother? I would answer: Ask the American people. I think they will tell you. People are listening—not just Democrats but Republicans too—all across the Nation. They are listening and here is what they are hearing. They are hearing that the Supreme Court has put a for sale sign on our elections. They are hearing our political process is on life support, drowning in cash, and most of it coming from just a few people.

Sixty percent of all super PAC money in 2012 was doled out by 100 billionaires and corporations. They are hearing about elections bought and paid for by shadowy outside groups given a green light by the Supreme Court. Special interests are shelling out at least $216 million in 2014 and likely $1 billion by election day. That is 15 times more money than in 2006 before Citizens United, before the Supreme Court defied common sense and said corporations are people. They are hearing that a lot of money is hidden when over half the money spent in this year's top nine Senate races is not fully disclosed, over half not fully disclosed. So in 2 months we will know the outcome of these elections, but we will not know who paid for them.

The result is not surprising. The American people have lost faith in us as they watch this merry-go-round, this constant money chasing, and very little else getting done. This is a vital debate about what democracy we will have and whether democracy will survive. Will we have one that caters to billionaires and the privileged few or one that listens to the American people; one that keeps chasing money from special interests or one that says it is the quality of our ideas, not the size of our bank accounts, that should matter; a democracy that answers to the middle class or to the moneyed class?

This debate is crucial. This debate is absolutely crucial to the future of our country, and I believe the American people are not only listening, they are demanding to be heard, because every voice counts, and that is why the majority of Americans support reform. They know the system is broken.

There is only one way to truly fix it. Give power back to the elected representatives of the people, to the Congress, and to the States. We have a job to do, but the Supreme Court has rendered us powerless to do it. There is one way to change this, one way for real reform; that is, a constitutional amendment.

That is what this debate is all about. The Supreme Court opened the floodgates. The American people want us to close them.

The Huffington Post published an article yesterday titled ''Is Washington The Only Place Where Campaign Finance Is A Partisan Issue?'' The answer is yes. Poll after poll shows this.

A strong majority of Democrats and Republicans outside of Washington want reform, Republicans such as my good friend former Senator Al Simpson from Wyoming. Yesterday The Hill published an op-ed that Al and I wrote together. As most people know, he has always been someone to speak his mind. When Al edited our draft he added that ''the playing field in our democracy is far from level, and that is driving cynicism, disgust, and mistrust of the political process to dangerous levels.''

Sadly, he is right. It is time for us to listen to our constituents. Over 3 million people have signed petitions in support of a constitutional amendment. There are 16 States, over 550 cities and towns pushing for reform, demanding a more level playing field and fairness, including 75 percent of the voters in Montana, a State where Mitt Romney won by a 10-point margin. So this is a partisan issue only in Washington and in the backrooms of billionaires determined to keep the money flowing and the influence intact.

So opponents have ramped up the noise and distraction about the First Amendment and free speech. I would not lose any sleep about billionaires and their free speech, but a lot of us are up late nights thinking about the rest of America.

As Justice Breyer wrote in his dissent to McCutcheon, ''Where enough money calls the tune, the general public will not be heard.'' Too many Americans feel they are not being heard. The First Amendment has already been hijacked. Our amendment rescues it.

Congress has a long history of regulating campaign finance, of doing its job and standing up to Big Money and powerful interests. We can go all the way back to 1867, and later with the Pendleton Act, the Hatch Act, the Bipartisan Campaign Act of 2002—a long history and I would argue an honorable one, and without banning books, suppressing teachers, suppressing preachers or shutting down newspapers. Reforms have been modest, reasonable, and responsive, passed by both Houses of Congress, signed by the President.

The other side can talk about imaginary horribles. That is one way to go. But that argument is not supported by history, by logic or by the law. Our amendment is not radical. It is a simple idea. It will give power back to the elected representatives of the people, to Congress, and to the States. That is it, period.

What is so terrifying about this? Not one thing, except for wealthy special interests that have their place at the table bought and paid for and want to keep it. That is the bottom line. They oppose any reforms, any restrictions on campaign spending. They are listening too. Their message is very clear and unyielding: No reform. None. They want to keep writing their checks and staying at the head of the table.

This debate is about special interests trying to buy elections in secret with no limits. The Supreme Court says that is just fine. We say, no, in fact, it isn't. Our amendment has a long bipartisan tradition back to 1983 when Senator Ted Stevens, a Republican, was the lead sponsor. It is common sense. It is fair.

We do not dictate specific reforms. We do say Congress has a duty and a right to enact sensible campaign finance reform. Any specific proposals are debatable and answerable to the American people. This amendment has the support of most Americans because they understand beyond all the noise, beyond all the tortured logic of our opponents that we have a train wreck and we need to get the train back on track before yet another scandal, before we are back in the Watergate era.

The voice of Americans should not be drowned out by billionaires lobbying for favors, hiding in the corner with gold-plated megaphones. It is time to limit the power of Big Money, to give everyone a say, not just the rich, not just the powerful—everyone.

Americans are listening, they are watching, and they are waiting because they know and we know a simple truth: We cannot hand over our democracy to the biggest spender.

Thank you, Madam President.

I ask unanimous consent to have printed in the RECORD the op-ed I mentioned authored by myself and Senator Simpson and that the Huffington Post article I referenced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From thehill.com, Sept. 8, 2014]

BIPARTISAN CASE FOR A CONSTITUTIONAL AMENDMENT ON CAMPAIGN FINANCE

(By Sen. Tom Udall (D–N.M.) and former Sen. Alan Simpson (R–Wy.))

Following recent U.S. Supreme Court decisions dismantling our nation's campaign finance laws, all Americans are certainly not equal on Election Day. With 5–4 split decisions, the court has given corporations the ability to spend unlimited money to persuade voters, and also declared limits on large donations to be the equivalent of infringement on speech. The result is an electoral system in which a billionaire can influence elections across the country, while regular voters have just one shot—by casting a single ballot.

This is surely not the equality as envisioned by our founders, who would be appalled by corporate spending in elections and unlimited personal donations by billionaires. The solution is to clarify the Constitution so that the people may decide how, when and why to regulate campaign finance. This

week, the Senate will vote to begin debate on a constitutional amendment which now has the support of nearly half the Senate, 16 states and over 550 municipalities, including large cities like New York, Los Angeles, Chicago and Philadelphia—all of whom are sick of out-of-control spending in elections and disturbed at the direction the court has taken.

The original and honest intent of our campaign finance laws is to rein in the culture of money in politics and ensure that a few donors can't buy an election by spending to benefit one candidate over another. They are rooted in the public's disgust with political corruption. Yet the court's rulings indicate we are headed back to that pre-Watergate era of corruption. We were troubled that Chief Justice Roberts wrote in the McCutcheon decision that quid pro quo corruption—bribery—is the only sufficient justification for Congress to pass regulations. As a result, we are likely to see new challenges against laws that limit the amount an individual may contribute to a candidate, or laws prohibiting contributions to candidates from corporations. The largest corporations are multi-national organizations worth hundreds of billions of dollars and the Supreme Court is leaving us with no way to set reasonable standards.

McCutcheon is the most recent case, but there is a history of the court narrowly overturning reasonable campaign finance laws. In 2010, Citizens United v. FEC gave free speech rights to corporations and special interests. But this problem goes all the way back to 1976, when the court held in Buckley v. Valeo that restricting independent campaign expenditures violates the First Amendment right to free speech. In effect, the court said money and speech are the same thing.

This is tortured logic that leads to an unacceptable result—that a citizen's access to a constitutional right is dependent on his or her net worth. A result that says the wealthy get to shout, but the rest of you may only whisper.

The constitutional amendment would make it clear that campaign finance regulations are up to voters who elect Congress and state legislatures. It would not dictate any specific policies or regulations, but instead would protect sensible and workable campaign finance laws from constitutional challenges.

Critics have claimed that the amendment would repeal the First Amendment's free speech protections. But it does the exact opposite—the proposal is an effort to restore the First Amendment so that it applies equally to all Americans. When a few billionaires can drown out the voices of millions of Americans, we can't have any real political debate.

The amendment would not simply benefit one party or incumbent. It is similar to bipartisan proposals introduced in nearly every Congress since 1983, when Republican Sen. Ted Stevens (Alaska) was the lead sponsor. Over the years, it has been supported by many Republicans, including Sens. John McCain (Ariz.), Thad Cochran (Miss.), Arlen Specter (Pa.), and Nancy Kassebaum (Kan.), as well as many Democrats.

In April, retired Supreme Court Justice John Paul Stevens said in his testimony before the Senate Rules Committee that campaign finance regulations ''should create a level playing field . . . to give rival candidates—irrespective of their political party and incumbency status—an equal opportunity to persuade citizens to vote for them.'' Most Americans would agree with Justice Stevens. However, until the Constitution is amended, such laws would be struck down by the current court.

The national debate should not be dictated by a handful of wealthy individuals and corporations. After the McCutcheon decision wealthy donors can, and many will, contribute up to $3.6 million in an election cycle. For an average person making minimum wage, it would take 239 years to make that much money. The playing field in our democracy is far from level, and that is driving cynicism, disgust and mistrust of the political process to dangerous levels.

Over the course of our Senate careers, spending on campaigns has gotten out of control. According to a joint study by Brookings and the American Enterprise Institute, outside groups spent $457 million to influence Senate and House races in 2012. In the 1978 election, when Senator Simpson was first elected, outside groups spent only $303,000. There is a deeply troubling trend here, and we cannot let it continue.

Amending the Constitution is difficult—as it should be—but it is long past time to have an honest and thoughtful national dialogue about our broken electoral process and how we voters can fix it.

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[From the Huffington Post, Sept. 8, 2014]

IS WASHINGTON THE ONLY PLACE WHERE CAMPAIGN FINANCE IS A PARTISAN ISSUE?

(By Paul Blumenthal)

WASHINGTON.—The Senate voted Monday to debate a constitutional amendment overturning the Supreme Court's 2010 Citizens United decision and allowing Congress and the states to enhance limits on the amount of money raised and spent in elections. The proposed amendment is nearly universally supported by Democrats and opposed by Republicans.

Division over the role of money in politics, however, is far less severe among the broader populace. In fact, the majority of Americans in both parties say they think there is too much big money in politics and support the rationale offered by amendment proponents as a reason to amend the Constitution.

The amendment up for Senate debate would roll back Supreme Court rulings on campaign finance from the 1976 Buckley v. Valeo decision that first applied First Amendment free speech protection to money raised and spent in elections. That decision allowed Congress to limit contributions, but held that spending limits were a burden on spenders' free speech rights.

Americans appear to broadly disagree that money used in political campaigns should be protected by the First Amendment.

In February 2013, 55 percent of respondents to a HuffPost/YouGov poll said they did not consider ''money given to political candidates to be a form of free speech protected by the First Amendment to the Constitution.'' Just 23 percent agreed that campaign contributions were a form of free speech.

That poll touches only on the issue of campaign contributions. The main issue supporters of the constitutional amendment have with the Buckley decision and subsequent court rulings is the full free speech rights granted to campaign spending.

A Gallup poll taken in June 2013 found that 79 percent supported limiting both the amounts politicians can raise and the amounts they can spend. This was supported at almost equal rates by Democrats, Republicans and independents, and in every part of the country.

There also are a handful of polls commissioned by groups campaigning for the amendment that asked more specific questions. In one such poll, the reform group Public Citizen released findings in August showing 55 percent in support of a constitutional amendment to overturn the Citizens United decision. Support topped so percent for Democrats, Republicans and independents.

The divide between Republican voters and their representatives in Washington also can be seen at the state and local levels. The pro-amendment group Free Speech For People has compiled a list of 137 current and former state Republican officials who support an amendment to enhance limits on campaign finance.

This list includes a number of Republican officials who voted for resolutions in support of an amendment to overturn Citizens United and establish other limits to campaign finance. Overall, 16 states have backed resolutions calling for an amendment.

In Colorado and Montana, the resolutions were sent to the electorate as ballot initiatives in 2012. In both states—one a tossup in presidential elections, the other solid red—more than 70 percent of voters approved the resolutions. In both states, the amendment outpolled both President Barack Obama, the victor in Colorado, and Mitt Romney, who won Montana.

Mr. WHITEHOUSE. Madam President, may I ask that at the conclusion of Senator WALSH's remarks I be recognized?

The PRESIDING OFFICER. Without objection.

The Senator from Montana.

Mr. WALSH. I rise to speak in support of S.J. Res. 19, a constitutional amendment that would give both States and Congress the power to undo the damage caused by Citizens United and restore our Democratic traditions.

Passing this amendment is vital if we are going to begin to roll back the coercive influence of money in our democracy. Because of the Supreme Court's decision in Citizens United, political power has become increasingly concentrated in the hands of corporations and modern-day copper kings. In fact, less than 1 percent of Americans provide over two-thirds of the money spent on elections. The voices of everyday Americans are simply being silenced.

In Montana we have seen firsthand the damage to the process. Turn-of-the-century mining companies made rich off the copper seams in Butte, MT, my hometown, bought up the State press and bought off the State legislature. In response to these abuses, Montana banned corporate political spending by citizen initiative over 100 years ago. However, the recent Supreme Court's Citizens United decision overturned this century-old protection in an instant, silencing Montanans' voices with dark, secretive money and corporate political spending.

Montana's experience with the Butte copper kings shows that corporate political spending, even if it is supposedly independent, corrupts the political process. We cannot let anonymous, unaccountable corporate spending drown out the voices of everyday Americans. When the voices of individual voters become less relevant to politicians, policy decisions are divorced from the folks they impact.

We simply cannot allow a dysfunctional system of campaign finance to eliminate our government's responsiveness to its citizens or its ability to tax our most pressing issues. Montana's history should be learned from, and it is our responsibility to ensure it never happens again.

That is why this amendment is so important to the American people. In 2012 Montana voters overwhelmingly directed the congressional delegation to work to overturn Citizens United to get corporate money out of politics. I have heard from thousands of Montanans that they want Congress to refocus on issues that are important to them, to come together and to do our jobs. Passing this amendment will help us do just that.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, before I given my ''Time to Wake Up'' speech, I want to react to something that was said on the Senate floor about this joint resolution to correct the error of Citizens United. What was said on the floor was that the position of those of us who support this joint resolution and who think Citizens United was wrongly decided, that our position is an attack on the First Amendment, that we are attacking the First Amendment. That may have some rhetorical utility, but it is simply not accurate.

The very question we are here to answer is whether the First Amendment properly allows unlimited corporate spending. It never did. It never did until Citizens United came along. So the question before this body is, Was Citizens United correctly decided?

To say we are attacking the First Amendment is to presume that Citizens United was correctly decided. You don't win an argument by presuming you are right; you win an argument by making the case why you are right.

Frankly, I have great reverence for the First Amendment, and I think it is extremely unfortunate that an argument would be made that is really nothing more than a rhetorical trick and does not respond to the gravamen of the dispute, which is whether the First Amendment should protect unlimited corporate spending when in the history of this country—until the decision by Citizens United—it never had.

TRIBUTE TO AARON GOLDNER

Before I continue, I wish to express my gratitude to Dr. Aaron Goldner. He has been instrumental in helping me research and prepare the ''Time to Wake Up'' speeches, and his fellowship in my office came to an end yesterday.

Aaron earned his Ph.D. in Earth, atmospheric, and planetary sciences at Purdue University. He came to my office as an American member of the Geophysical Union Congressional Science Fellow, whose research specialty was the development of sophisticated models to help build greater understanding of the past, present, and future effects of carbon pollution on our climate.

He lent his considerable scientific expertise and analysis to these floor speeches. He also did research for legislation and prepared for hearings in the Environment and Public Works Committee. Since we apparently somehow were not keeping him busy enough, he managed to find the time to publish a peer-reviewed article over the summer in the prestigious journal Nature on the climatic conditions surrounding the origination of the Antarctic ice cap.

Aaron said this week as he left that he gained a sense of humor working here, which is probably fitting for a scientist having to deal with this body in its present state.

I gained the benefit of Aaron's hard work and gracious spirit, and the Senate and the American people gained the benefit of Aaron's passion for bringing the best scientific thinking to address our greatest challenges.

Aaron is now taking his talents to the Department of Energy, where he will continue to help our government tackle these important questions. I am grateful for his service in my office and wish him the best success.

CLIMATE CHANGE

The 113th Congress is now winding down, an election is upon us that will decide the makeup of the next Congress, and I am here for the 77th time to say it is time for my Republican colleagues to wake up to the threat of climate change both for the good of our country and our world and ultimately for the good of their own party. No political party can long remain a credible force in our democracy if their position on one of the defining threats of our time is to deny its existence or to plead total ignorance about it. ''I am not a scientist,'' some have begun to say. Well, when it comes to interfering with women's rights, they don't say, ''I am not a gynecologist.'' But when it is carbon pollution, they say, ''I am not a scientist.'' Some would say that if you are not a scientist, all the more reason to listen to the scientists.

Look at what the scientists are saying today. The top person at the World Meteorological Organization, which knows a little bit about this area, just said:

> We know without any doubt that our climate is changing and our weather is becoming more extreme due to human activities such as the burning of fossil fuels.

Here is the point: ''I am not a scientist'' is not the stance of a party that is ready to lead; it is the stance of a party that is beholden to polluting interests, petrified of losing the millions in polluter campaign spending supporting their candidates.

We have heard over and over during the last 6 years that Republicans want President Obama to lead. It is a familiar chorus: ''It is time to lead.'' ''Where is the leadership?'' ''Why isn't America leading?''

One of my Republican Senate colleagues put it this way:

> Every American can agree that the light of peace and liberty would benefit our world. But who will spread it if not America? There is no other Nation that can, and that is why, despite the challenges we face here at home, America must continue to hold this torch. America must continue to lead the way.

Well, on climate change we are finally leading the way thanks in large part to President Obama's Climate Action Plan and Secretary Kerry's passionate efforts. Yet they criticize the Obama administration's leadership on climate change because other countries, such as China and India, are also big carbon emitters. So Republicans want America to lead except on climate change. On this one issue they would prefer to await leadership from China or India. How convenient that is when you think of all the polluter money funding the Republicans and how badly out of step with America. Just look at the numbers. A recent Wall Street Journal poll showed—notwithstanding years of relentless polluter propaganda—that 61 percent of Americans agree that climate change is occurring and that action should be taken, and 67 percent of Americans support the administration's proposed rule to limit carbon pollution from powerplants.

Here is my personal favorite: A survey conducted for the League of Conservation Voters found that more than half of young Republican voters—to be specific, 53 percent of Republicans under the age of 35—would describe a politician who denies climate change is happening as ''ignorant,'' ''out of touch,'' or ''crazy.'' That is the young Republican view of the Republican position on climate change.

On September 21 thousands of concerned Americans will converge on New York City for what will be known as the People's Climate March. Organizers expect that as many as half a million people will take part in this historic citizen action to call attention to the global crisis of climate change.

However you look at it, the American people are sending a message loud and clear: They want responsible leadership on carbon pollution. What is the Republican answer? Well, look at the House. Given control of the House, Republicans have already forced over 100 votes to undermine the EPA. That is even more times than they have voted to repeal ObamaCare.

PAUL RYAN, the Republican chairman of the House Budget Committee, said last week that the Republican strategy next year will be to send the President bills they know he will veto, including approval of the Keystone XL tar sands crude pipeline, and thereby create ''shutdown by veto.''

Over here in the Senate, our Republican leader already threatens—if the Republicans win the Senate—to force onto key legislation what he called ''a lot of restrictions on the activities of the bureaucracy.'' Gee, what agency could he possibly mean? The threat is plain: Give the Republicans polluter-backed, anti-environment legislation or they will shut down the government. Again. This is the Republican version of leadership.

What about out on the campaign trail? Republicans in Congress ignore the public's call for climate action, but

are Republican candidates out there listening to the people or are they listening to the polluters led by the infamous Koch brothers? Look at how much money the polluters are spending on Republicans and take a wild guess. News flash: They are not listening to the people.

The Republican nominee for Senate in Iowa has said of climate change: ''I'm skeptical. It's been changing since the dawn of time. I'm not going to blame it . . . on the human race.''

In New Hampshire the leading Republican Senate candidate recently said that he does not believe manmade climate change has been scientifically proven. Never mind that the underlying science was first measured back when Abraham Lincoln was President.

In North Carolina the Republican nominee has referred to climate change as ''false science.''

Well, in the last year I visited Iowa and New Hampshire and North Carolina, and I saw firsthand how climate change is already affecting those States. I heard over and over deep concern about climate change. I heard about cold-weather sports and tourism threatened by warming temperatures in New Hampshire. I heard about crops threatened by shifting weather patterns and about how a booming wind power industry has emerged in Iowa. In North Carolina I heard about homes and businesses and even air bases threatened by rising seas.

If you doubt me, go to the State universities in Iowa and New Hampshire and North Carolina. They are not denying it. They are actively working on and warning about climate change. Iowa State has an entire climate science program and wants to be a ''leader in the science of regional climate change.'' The University of New Hampshire scientists told me about the danger to New Hampshire's iconic moose from tick infestations because of climate change. Researchers from the University of North Carolina, Duke University, and North Carolina State took me out on a research vessel to see firsthand the effects of climate change on North Carolina's shoreline. The home State universities are clear; it is just the polluter-funded candidates who are denying.

It is the same story across the country. Republicans running for the Senate, from Alaska to Georgia, from Colorado to West Virginia, question or outright deny the established climate science. Figure it out. Do the math. There is overwhelming consensus among knowledgeable scientists that climate change is real and being caused by humans. Denying that fact serves the economic interest of a narrow group of big-spending polluters, and the polluters are spending vast fortunes to support climate deniers.

Senate Republican candidates even attended a secret retreat organized by the Koch brothers earlier this year and praised the Kochs' political network for helping to support their campaign—the polluter political lifeline to the Republican Party.

A lot of blame here attaches to the Republicans' confederates on the Supreme Court—the five Republican-appointed Justices who kicked open the floodgates of corporate special interest spending for Republicans in the disastrous Citizens United decision in January of 2010. With Citizens United in their pocket, the polluters went right to work.

By the 2012 election cycle, the Washington Post and the Center for Responsive Politics determined that a donor network organized by the Koch brothers spent $400 million to influence that election. This graphic shows the complex apparatus the Koch brothers used to pull those political strings.

In the 2014 election cycle, the government accountability group Common Cause has tallied over $34 million in political donations already from 30 of the country's largest oil, gas, coal, and utility corporations. That does not include the dark money fossil fuel corporations have given to political groups which do not disclose their donors—groups such as the American Petroleum Institute, the U.S. Chamber of Commerce, the Koch brothers own so-called Americans for Prosperity organization, or the secretive identity-laundering machine known as the Donors Trust. We don't know how much these groups have actually raised or spent on election activities, but the Koch network is expected to spend nearly $300 million on the 2014 midterm elections.

The Center for Public Integrity reported last week that the Koch brothers are sponsoring 10 percent of all ads in competitive Senate races. That is more than 43,900 Senate ads between January 2013 and last month. Americans for Prosperity alone—that Koch brothers organization—sponsored 27,000 ads. That is one in every 16 ads in all Senate races this cycle. And, of course, those polluter-funded ads make up way more than 10 percent of just the Republican ads. Why is that? Because the focus of this apparatus is on Republicans, on buying and co-opting the Republican Party as the polluters' political instrument.

The numbers are staggering. Let's be clear about one thing: Their intention is not to add to constructive debate on carbon pollution and climate change. The polluters are determined to silence meaningful debate on the catastrophic effects of their carbon pollution, and it is working. There was a lot of Republican activity on climate change until January of 2010 when Citizens United was brought down. And after that, we can't find carbon pollution activity on the Republican side. They have been buried in the threats and the promises of that polluter funding.

Well, climate denial may work for Republicans in the short run if it keeps wide open that spigot of polluter money that is funding Republican candidates. We will see how that works out. But no matter how much money the polluters pour into the Republican Party, even a Republican Senate cannot repeal the laws of science—of physics, of chemistry, of oceanography.

If they win the Senate, it is not just going to be time for them to wake up, it is going to be time for them to grow up. Being in the majority means responsibility, not just obstruction and mischief. Being in the majority means answering your country and the world, not just your polluter funding base. Being in the majority means hearing the vast majority of Americans who want U.S. leadership on climate change, not telling voters the problem doesn't exist or that America should abdicate any responsibility for forging an international solution.

Our Republican colleagues will discover, if they don't know it already—and many do know it already—that former Senator and Secretary of State Hillary Clinton was right when she recently called climate change the ''most consequential, urgent, sweeping collection of challenges we face as a nation and a world.''

Secretary Clinton went on to say:

> The data is unforgiving no matter what the deniers try to assert. . . . If we come together to make the hard choices, the smart investment in infrastructure, technology and environmental protection, America can be the clean energy superpower of the 21st century. . . . This is about our strategic position in the world, this is about our competitiveness, our job creation, our economic growth as well as dealing with a challenge that we ignore at our detriment and our peril.

So the choice for Republicans stands before them: America as a clean energy superpower, leading the world, or America bedeviled with polluter-fueled political gridlock and climate denial. Their choice so far is obvious.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I wish to return to the discussion of the constitutional amendment to restrict speech. I made considerable comments yesterday, and there are some other comments I feel should be said about this—probably a dozen or more things. However, I wish to return to that discussion.

We have heard a lot in this debate about commercials. Everybody is concerned about commercials—those 30-second ads that are driving everybody crazy, that everyone wants taken off the air, and that we want to regulate and restrict and punish. We don't like them. No one likes them. We want to make them go away.

Well, let's forget about the commercials for just a second. Let's talk about the show. Does anybody watch the show? It sometimes seems as though the only thing on TV that my colleagues care about are the commercials about themselves. But there actually are other things on TV. There are actual programs that fill up the time between the commercials. Let's talk about those.

There is, of course, all sorts of programming on television: sports, movies, sitcoms, reality shows. Pretty much everything—and I mean everything—is on TV now.

There are a lot of politics on TV. The politics come in a range of formats. It comes unvarnished on C–SPAN. It is delivered through news and commentary on cable channels. It is satirized and made fun of on the late night shows. It appears in documentaries and feature films.

The Citizens United case itself was the result of a political film—a film about Hillary Clinton. During the litigation there were arguments over whether the film and its advertisements could be treated as ''electioneering communications'' and, therefore, regulated and restricted by campaign finance laws. In rendering its decision, the Court properly saw, in my view, the film for what it was: An encouragement for people to vote against Hillary Clinton. This is what the Court said in its holding: The movie, in essence, is a feature-length negative advertisement that urges viewers to vote against then-Senator Clinton for President. In light of this historical footage, interviews with persons critical of her, and voiceover narration, the film would be understood by most viewers as an extended criticism of the Senator's character and her fitness for the Office of the Presidency. The narrative may contain more suggestions and arguments than facts, but there is little doubt that the thesis of the film is that she is unfit for the Presidency.

Then the Court went on to say:

The narrator reminds viewers that Americans have never been keen on dynasties and that a vote for Hillary is a vote to continue 20 years of a Bush or a Clinton in the White House.

Then the Court found this:

There is no reasonable interpretation of Hillary other than as an appeal to vote against Senator Clinton. The film qualifies as the functional equivalent of express advocacy.

Having made that determination, the question then becomes, Should the government be able to prevent it from being seen? The court held the answer to that question was no and struck down as unconstitutional the laws that would prevent or constrain the distribution of the film.

My colleagues on the other side want those laws to be put back in place. They believe the government should be able to control the content, the financing, the distribution of films that reference candidates for office, and they are pushing this constitutional amendment to make that possible.

Now, we can expect there will be a lot more about Hillary Clinton on TV over the next couple of years. Some of it will be favorable and some of it will be unfavorable. Thanks to the Citizens United decision, the government won't be able to control what is said about her or any other potential candidate for the presidency—either party.

My colleagues do not have much to worry about when it comes to programming about Hillary Clinton. I don't think they need to worry about the show. They know there are a small number of conservative film makers who will attack her and whatever they produce is unlikely to reach a wide audience.

On the other hand, there is a huge multitude of liberal film producers, directors, and writers who like—if not love—Hillary Clinton and want to see her get elected to the Presidency, and they will do whatever they can to help her achieve that goal.

Secretary Clinton's recent book tour provided a good preview of the kind of programming we can expect to see more of should she decide to run for President. And luckily for her, there are plenty of television personalities who will help her sell herself to Americans, not just her book.

For example, one recent appearance on the Stephen Colbert show was clearly designed to soften her image. In an extended segment that could be seen as either amusing or nauseating, depending on your perspective, Colbert conducted a phony interview designed to show his viewers how smart and funny Hillary Clinton is.

Of course, Colbert can do whatever he wants with his show. No one questions that. But it should be obvious that the show amounts to a corporate-financed and political expenditure. Everything on the show—the studio, the host, the equipment, the writers, the director, the cameraman—everything is paid for by a corporation. Is there anyone in the Chamber who thinks that a corporation doesn't have the right to do that? Of course not. They like the show. And those on the other side know they can expect all sorts of similar programming in the months and years ahead. That doesn't bother them.

But the commercials are a different story. What if someone wanted to buy a 30-second ad during the show to present an alternative perspective. Well, we can't have that, can we? That would be intolerable. It would present a threat to our democracy. We have to amend the Constitution to prevent that. The absurdity is evident.

My colleagues on the other side of the aisle think our First Amendment allows one sort of programming to have unrestricted and unhindered access to the media, while other sorts must be limited and constrained. I submit that is preposterous.

In our system of government, all voices have the right to be heard. The First Amendment gives them that right. There is so much nonsense in this debate about buying elections and drowning out voices. We have a system that allows all voices to be heard, even those that oppose the majority. That is not the antithetical to democracy; it is the essence of democracy.

So it is time, it seems to me, to stop pretending that allowing more voices to be heard somehow poses a danger just because we don't like what they are saying.

Elections can't be bought. Voters will decide who wins them. They will make that decision based on what they think of the candidates, and what they think will be based on what they see and hear of the candidates. Then they will vote. When they do so, their vote will be equal to that of every other citizen. It doesn't matter how rich they are or what they do for a living or whether they even have their own TV show or never even watch TV. Every citizen gets one vote.

As they make their decision about how we are going to cast it, we need to make sure they are able to hear all voices. That is what the First Amendment does. It ensures that all voices have the right to be heard, and we don't need to change it to make that happen.

Those who are pushing this constitutional amendment don't want more voices to be heard, they want less.

There should never be any confusion about the intent of this constitutional amendment. It is to allow this majority to pass laws that will silence their opponents and ignores all the pious claims about the grand intent to recognize it for what it is—a cynical attempt to protect themselves from criticism.

Don't be fooled.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, one man, one woman, one American, one vote—that is what the writers of our Constitution put in the Constitution—not one corporation, one vote.

What I hear on the Senate floor today and yesterday from those candidates who seem to rely on corporate money, who are the beneficiaries of a showering of—not thousands, not tens of thousands, not hundreds of thousands, not millions—tens of millions of dollars, candidates who benefit from the showering of tens of millions of dollars for their campaigns, what they are saying on this Senate floor is almost laughable.

It would be laughable if it weren't so serious. It would be laughable if it didn't contribute to the corruption of this institution, of this government of which we are so proud—''of the people, by the people, for the people''—one man, one American, one vote.

With Citizens United, with McCutcheon the Supreme Court has effectively ruled the more money you have, the more influence you have over our democracy.

When what I hear from the other side—again, those who are the beneficiaries of the millions, of the tens of millions of corporate dollars, often Wall Street, often oil companies, often big drug companies, often big tobacco companies—when they come to the floor and plead, they are pleading in many ways that the supporters of this constitutional amendment are restricting the right to free speech. I agree.

Whether it is the Koch brothers, whether it is the Big Tobacco executives, they should get one vote.

But when they can spend millions and millions of dollars and shower some of my colleagues with this kind of corporate money to get their way, we know what is happening in this country. We know for the richest 1 percent of this country incomes have grown and grown, gone up and up.

We know for the broad middle, for the bottom 90 percent, for the middle, for the great majority of people in this country, their wages have been flat. No, they have actually been worse than flat over the past 20 years.

The wealthy are getting extraordinarily wealthy, extraordinarily wealthier. The middle class, even sort of the upper middle class—let alone those who are making minimum wage or making $15 an hour, their wages have been stagnant or worse.

One reason for that is—the Presiding Officer from Massachusetts has spoken out about this nationally over and over again—one of the reasons wages have been flat in this country—and the rich are getting richer and richer—is the corruption of Big Money in our political system.

I know how it works. In my race for reelection in 2012—and I am not complaining about this. As my wife's book publisher said: No whining on the yacht. If you get to be in the Senate, don't complain. But I also understand when they spent $42 million against me in my campaign—I am a big boy, I can take it—it was oil money, it was tobacco money, it was mostly out-of-State money. It was money from some of the richest people in the United States of America.

What did they want? They didn't dislike me personally, I assume. Maybe they did. I don't really care. But what it was really about is they wanted—whether the person came from Troy, OH, or Troy, MI, or Troy, NY—a politician in office from Ohio, as they wanted in Massachusetts, as they want this year in New Hampshire, as they want this year in Arkansas, as they want this year in Kansas, as they want this year in North Carolina, in Louisiana, Alaska, and Colorado—they want a lap dog. They want somebody who will go to the well and vote with Big Tobacco, go to the well and vote for Wall Street, and go to the well and vote for oil companies.

That is what they will get if we continue this corrupt way of campaign financing.

The Presiding Officer remembers—after we passed the Dodd-Frank legislation in this Congress 4 years ago and when she was working to establish a consumer protection agency—after the vote on Dodd-Frank, do we remember what the leading financial services lobbyist in this town said? The President signed the bill—within an hour or two, or at least the same day—and the lobbyist said: Well, folks, it is half-time.

What did that mean? He wasn't talking about the NFL. He was talking about: Well, we lost in Congress. They actually passed a bill that Wall Street wasn't wild about. They actually passed a bill that the largest financial institutions were not particularly happy about, but they knew they could use their lobbying, and they have thousands of lobbyists in this town.

They have a number of lobbyists for every Member of Congress. They knew they could use their lobbying force.

They knew they could use the politicians they had—I won't say people here were bought, but you might suggest they are on a long-term lease in some cases. They were suggesting just the threat of spending money.

So if you cast a vote in this institution next week, let's say, on a controversial issue, we know a couple of things. You know you should do the right thing. You know what your constituents back in Florida, Massachusetts or Ohio are saying, but you also know one other thing. You know if you cast a vote that Wall Street might not like, if you cast a vote that Big Tobacco might not like, if you cast a vote that oil companies may not like, do you know what is going to happen? What is in your mind if they come to your State in the next election and spend $10 million or $20 million or $30 million or $40 million.

I had $40 million spent against me because I don't do what Wall Street wants. I don't do what tobacco wants. I don't do what the oil industry wants. Of course, they are going to come after me.

They fell short in 2012—not by much but they fell short. But we know they will do it again. We know every time we cast a vote they are keeping a scorecard and saying: Well, we like what that Senator did, we will help him or her—usually him in that case. We don't like what she did, we don't like what he did, so we may be looking out to spend that kind of money. One man, one woman, one American, one vote—not one corporation, one vote.

Fortune 500 companies straddle the globe. They reap millions of dollars of profits. American corporations are at their most profitable time perhaps in their history sitting on tens, hundreds of millions of dollars in profit.

It doesn't take a Ph.D. in math to understand they spent a small, small, microfraction of the money they are making to protect those profits.

How do they do it? They come to Ohio, they come to Massachusetts, they come to Florida, they come anywhere in the country and they spend millions. They spend tens of millions to protect themselves on behalf of Wall Street, on behalf of Big Oil, on behalf of these big tobacco companies. It is all pretty simple: one man, one woman, one American, one vote.

Citizens United and McCutcheon make clear there is now an entry fee for participating in our democracy. That is why I support the constitutional amendment proposed by Senator UDALL that curbs unlimited campaign spending: one man, one woman, one American.

This amendment grants Congress the authority to regulate and limit the raising and spending of money. We are not shutting anybody off. Anybody can still give fairly significant amounts of money. But we do know—do the math. After the McCutcheon decision, donors can now contribute up to $3.6 million an election cycle.

I don't know for sure, because I have not met most of the 300 million people in our country, but I don't think there are all that many that have the wherewithal financially to contribute $3.6 million. But I also know—because my staff did the math on this one, I acknowledge—the average person making minimum wage at $7.25 an hour—and, parenthetically, the same people who love McCutcheon love the millions of dollars spent, showered on us from Wall Street or against us from Wall Street, from Big Tobacco or from Big Oil. Those same people are stopping the minimum wage from being increased.

The minimum wage is at its lowest level in buying power since 1968. It has been stuck at $7.25 an hour.

Back in the era of bipartisanship on minimum wage—we actually passed one in 2007, my first year in the Senate, signed by Republican President Bush. Those days seem to be past.

Think about the math. At $7.25 an hour, people are allowed to give $3.6 million under the McCutcheon decision—pushed by corporations and handed down by the Supreme Court—that says corporations are people too, more or less.

For a minimum wage worker, it would take 239 years, working full time, making $7.25 an hour, to make $3.6 million. And then they would have to give it all away in that election cycle to be able to compete with the oil companies, the drug companies, and Big Tobacco and Wall Street.

This is very clear. We can change it.

Again, back to the arguments on the other side. They are laughable at home. I don't think I know anybody who thinks it is OK that we are allowing somebody to come in and spend—except for colleagues whom I like. Most of the people on the other side of this issue, I like them personally, but I don't know very many people, unless they are in Washington, unless they have a stake in this system—I don't know people who think it is a great idea to let people spend $3.6 million. They are not spending it out of their charitable whims. They are spending it because they want their people, their water boys, their water girls for the drug companies, the water boys and the water girls for Wall Street, the water boys and the water girls for Big Tobacco, they want those people elected, not people who will stand up to those interest groups and do the right thing.

To restore voters' faith in the political system, to ensure voters that their voices are being heard, one man, one

woman, one American, one vote, that is what we stand for. Those are our values. That is why this is an important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Senator from Florida for allowing me to do this before his final remarks of the evening.

MORNING BUSINESS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEETING HOUSE FARM CENTENNIAL

Mr. LEAHY. Madam President, Vermont has always been a farming State, and it is the dairy, livestock, vegetable, and fruit farms to which we owe thanks for the open pastures and spectacular vistas that Vermonters and all those who visit our State cherish. None is more beautiful than Meeting House Farm in Norwich, owned by Deb and Jay Van Arman. The farm, located on a hill outside of the village, with an expansive view down the beautiful Connecticut River Valley, has been in the family since Deb's and her brother David Pierce's grandparents arrived in a Sears, Roebuck & Company wagon from Quechee in 1914.

On Saturday, August 2, Deb, Jay and David hosted a centennial reunion for a grateful crowd of family and friends who came from as far as California, Holland and South America. The reunion was a celebration of farming, family, and community for those who grew up on or visited the farm over the years. They shared stories of haying and collecting maple sap with Deb and David's father ''Bub,'' riding the tractor and collecting eggs, and sitting around the kitchen table sharing one of their mother Janet's bountiful meals. Janet ran a day care at the farm for local children and later became Norwich's beloved town clerk.

The dairy herd was sold in the 1980s, but the haying goes on. There are goats and Deb's big vegetable garden, and half a dozen Holstein cows from another farm graze the hillside. Meeting House Farm represents the best of Vermont, and we owe a debt of gratitude to the Pierce-Van Arman family for keeping it a farm all these years.

I ask unanimous consent that an article about the centennial on the front page of the August 3rd Valley News be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Valley News, Aug. 3, 2014]

A CENTURY OF FARMING IN NORWICH: FAMILY MEMBERS FLOCK FROM AROUND THE WORLD TO MARK ANNIVERSARY

(By Aimee Caruso)

NORWICH.—A Norwich family marked 100 years of farm life yesterday with hayrides, games and dinner, photographs, storytelling and socializing.

Meeting House Farm, owned by Jay and Deb Van Arman, has been in the family for a century, and the trend is set to continue into the future.

Yesterday, however, was all about celebrating the crop of longtime friendships and family bonds the Union Village Road farm has produced over the decades. Wearing name tags, people of all ages mingled yesterday, snacking and sharing memories. Milling near a table laden with pies, candy-studded cookies and other goodies, they described the farm as a warm and lively place.

Jeff Bradley, who grew up just down the road, was in 4–H with the Van Armans' children and spent many days on the farm, tossing hay bales and collecting sap for maple syrup. He longingly recalled the yeast doughnuts and dill pickles, both of which were eaten dipped in maple syrup, made by Deb's late mother, Janet. And he remembered something else that left a big impression on him.

''No matter what, you stopped by and they had time for you,'' said Bradley, who now lives in Massachusetts with his family. ''Time for a story, time to sit down and have coffee.''

People have always dropped in and visited the farm, said Deb Van Arman, seated under a large white tent set up for the occasion. ''It's been important to encourage that so we have a sense of community. We have that, and we're very grateful.''

Yesterday's gathering, months in the making, drew about 240 people from across the country and beyond, including 26 of 27 first cousins. The 27th wanted to come, but couldn't make it because his wife was sick, Deb Van Arman explained.

The Van Armans' children and their families came in from New York state, Chile and Holland. One family friend came from Taipei, Taiwan; others made the trip from Hamburg, Germany. In addition to relatives, the group included people who had worked on the farm, neighbors, and former neighbors, ''people who have helped us over the years,'' Deb said, choking up. ''It's just great.''

Some spent the night on the farm; others bunked with neighbors who had opened their houses for the occasion and provided food and beer, said the Van Armans' son, Tom. ''It's like Airbnb on steroids.''

The 116-acre farm, established in the 1780s, is thought to be the town's oldest working farm. It's named for the timbers in the original barn. When Norwich's first meeting house was torn down, the farm's owner, Constant Murdock, bought the beams for his barn, said Nancy Hoggson, president of the Norwich Historical Society. Initially a subsistence farm, it would eventually grow into a dairy business.

Deb Van Arman's grandparents, Charles and Lucy Pierce, bought the property in 1913 and moved there from a small farm in Quechee. The Pierces' son, Charles ''Bub'' Pierce, and his wife, Janet, lived with them on the farm, where Janet ran a day care and Bub farmed until he became ill in 1970, the same year the Van Armans married. Bub died the following year, and Janet farmed with the neighbors' help until later in 1971, when Jay took over. They expanded their herd and carried on with the dairy business until 1986.

With three children to put through college, a farmer's pay wouldn't cut it, so the couple took part in a federal herd buy-out program, selling their dairy cows. Both are officially retired—Jay was a mail carrier in Norwich, and Deb, a physical therapist, worked at the VA. But their work on the farm didn't end. Deb keeps up the grounds, including the vegetable, herb and flower gardens. Jay runs a composting business and makes hay—he puts up and sells about 14,000 bales a year, their main income. They also depend on the state's current use plan to reduce taxes, he said. ''If it wasn't for current use, we wouldn't be here.''

Theirs is one of eight farms featured in Cycles of Change: Farming in Norwich, now on display at the historical society. The exhibit, comprising photographs, video, oral histories and text, will run through next spring.

Farming has seen big changes over the past several decades, and rolling with the times has taken perseverance, financial investments and plenty of hard work. New federal regulations in the mid 1900s meant expensive upgrades for dairy farms, Hoggson said. ''A lot of small farmers couldn't adjust to those changes, so they had to close up shop.''

She called the fact that the same family has owned Meeting House Farm for a century ''extraordinary.''

''Keeping that land together has been really, really important to the whole family,'' she said. ''It's very unusual, I think, and a real credit to them as individuals and to their commitment to the land, the importance of family, and place that they have been able to do this.''

Yesterday's event was, in part, a tribute to that effort.

''We wanted to celebrate all the happiness (the farm) has brought and all the hard work my parents have done through thick and thin,'' said daughter Emily Myers. ''It's not easy, having a lot of property. . . . It can be very expensive, especially with taxes, and they have been able to make it work.''

As with most farm kids, summers and the hours after school found the Van Arman children tending to chores. Growing up on the farm has had a lasting impact on them, Myers said. ''It gave us great morals, great values and always a sense of home.''

On display yesterday was the Sears and Roebuck wagon Deb's grandparents bought to travel to the farm with their young children. The family had hitched their cows to the wagon, and on the way, one gave birth on Christian Street. Her father retrieved the calf the following day. Their move from Quechee to the farm, made in mud season, was quite a journey, Deb Van Arman said.

Within the next few years, a similar, if much more modern, trek will take place, as the Van Armans' daughters, Kate and Emily, plan to return to the farm with their families.

''The only thing I ever knew was this farm,'' Deb Van Arman said. Knowing her children will carry on the tradition ''is very special.''

VIOLENCE AGAINST WOMEN ACT 20TH ANNIVERSARY

Ms. MIKULSKI. Madam President, today we commemorate the 20th anniversary of the Violence Against Women Act, a landmark piece of legislation that continues to improve the lives of millions of women, their families, and the communities that support them. I was proud to cosponsor this legislation when it was originally enacted in 1994, led by then-Senator, now-Vice President BIDEN. And I was proud to fight for its reauthorizations in 2000, 2005,